



## State and Local Taxes Collected

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As with federal costs, state and local costs are offset - to some degree - by the taxes illegal aliens pay. As noted in the Federal taxes portion of this section, proponents of illegal immigration argue that the taxes paid by illegal aliens result in a net boon to state and local coffers. However, this is a spurious argument. Evidence shows that the tax payments made by illegal aliens fall far short of covering the costs of the services they consume.

It is also important to note that calling illegal alien tax payments a net receipt is a mischaracterization. The overall wage depression inflicted on local labor markets by the presence of large numbers of illegal aliens willing to work for less than market rates has far-reaching fiscal implications that are often not quantified on average balance sheets. Low-wage workers generally access more government benefits than higher-paid employees. Furthermore, illegal aliens also tend to remit large portions of their earnings back to their home countries, and thus less money is incorporated back into local economies and less is paid in local sales and excise taxes. However, because this study looks at the fiscal impacts of illegal immigration, and tax collections are a fiscal offset, we do our best to estimate how much of the fiscal costs borne by taxpayers are reduced by taxes paid by illegal aliens.

Illegal aliens are not typical taxpayers. First, the large percentage of illegal aliens who work in the underground economy avoid paying any income tax at all. Those that do work in the formal economy often receive back more than they pay to the federal government through refundable tax credit programs. Finally, the average earnings of illegal alien households are considerably lower than earnings of legal aliens and native-born workers, thus they typically fall into the lowest tax brackets.

### **Disposable Income Profile of Illegal Aliens at the State and Local Level**

FAIR estimates there are about 7.9 million illegal aliens participating in the aboveground economy, with approximately 7.5 million currently employed.<sup>182</sup> As noted previously, the average household headed by an illegal alien earns approximately \$40,800 annually. However, those working in the underground economy are estimated to earn far less.

Since a significant portion of state and local taxes are levied on spending instead of income, in forms such as sales and excise taxes, it's important to recognize the negative impact of remittances on the amount of state and local taxes collected. The term “remittances” in the context of illegal immigration refers to money earned in the United States that is transferred to relatives, friends or business associates who still live abroad.<sup>183</sup> A 2019 FAIR study estimates that the average illegal alien remits approximately 20 percent of their gross income out of the country. This comes out to approximately \$8,160.<sup>184</sup>

Remittances by both lawful and illegal aliens harm state and local governments, as they lower overall disposable income, local spending, and related revenue. Despite this lower disposable income, illegal aliens still often use state and local services that rely on spending-based taxation at rates similar to native-born citizens. These include services such as fire and police assistance, public roads, other public transportation infrastructure, and public schools.

Currently, only Oklahoma has a “remittance tax,” which places a \$5 or 1 percent fee (whichever is greater) on all outgoing, out-of-state money transfers.<sup>185</sup> This tax helps the state recoup lost tax dollars stemming from income sent out of the state primarily by immigrants, including illegal aliens. It is estimated that if a similar tax were instituted nationwide, the federal and/or state governments could recoup more than \$2 billion in lost tax revenue from migrants remitting their income to other countries.<sup>186</sup>

Factoring in remittances, we construct the disposable income profiles of illegal aliens by first estimating their incomes in each state. We then account for the sum of federal taxes paid versus credits received,<sup>187</sup> as well as the amount of state income taxes paid (in states that have a state income tax) versus credits received. Finally, other state taxes, such as property tax, must be considered. Based on the methodologies detailed in the Federal taxes portion of this study, as well as the forthcoming sections on specific state taxes, the average illegal alien has a disposable income of approximately \$28,144 annually.



**Income Tax Receipts****\$5,728,653,000**

As noted in the Federal portion of this cost study, most illegal alien households will have little income tax liability, if any at all, and millions more avoid liability by working in the “underground economy.” For the most part, this holds true at the state level as well.

Nearly 30 percent of all illegal aliens in the United States reside within the nine states without a state income tax: Texas, Florida, Nevada, Washington, Wyoming, Tennessee, New Hampshire (which only taxes dividends and interest), Alaska, and South Dakota.<sup>188</sup> In California, where approximately 21 percent of the nation’s illegal aliens reside, the tax bracket for those making the estimated wage for illegal alien households in the state is a measly 2 percent.

In addition, FAIR estimates that 25 percent of all illegal alien households work in the underground market. This means that a significant majority of illegal aliens will pay little or no state income tax.

FAIR estimates the total amount of state income taxes paid by illegal aliens by adjusting the nationwide average income per illegal alien household higher or lower for each state based on how much the average income varies from the overall national average.<sup>189</sup> We then analyze the tax rates for each of these states, minus standard deductions, to determine the effective average tax bracket for illegal alien households in each state.<sup>190</sup> After using this data to determine the average amount paid per household, we multiply that number by the estimated total number of tax-paying illegal alien households employed in the aboveground economy.<sup>191</sup> Nationwide, that total comes out to approximately \$5.7 billion.

**Property Tax Receipts****\$3,152,993,000**

Families who own residences are subject to property taxes. Individuals living in rental property do not pay property taxes directly, although their monthly rent is likely calculated to subsidize a portion of their landlord’s property taxes.

For states that host the largest number of illegal aliens, property taxes hover right under the 1 percent mark. In addition, in many states like Texas and Florida, property can be purchased at prices considerably lower than the national average.

Of course, illegal alien households are far less likely to be homeowners than U.S. citizens. According to the Pew Research Center, illegal alien households are half as likely to own property as native-born households.<sup>192</sup> Based on data from the 2020 ACS, approximately 70 percent of all households owned their own property. This means that, most likely, about 35 percent of illegal alien households own property.<sup>193</sup> According to the Wells Fargo Home Affordability Calculator,<sup>194</sup> an illegal alien household making the average wage in a city with an average cost of living index would be able to afford a residence costing

no more than \$150,000. Using this as the mean home value and an average annual property tax of 0.90 percent, it can be estimated that illegal aliens pay approximately \$3.2 billion annually in property taxes.

### **State Fuel Taxes**

**\$1,440,000,000**

The average state fuel tax for the United States comes out to 38.69 cents per gallon, according to the American Petroleum Institute.<sup>195</sup> Average fuel taxes have remained significantly more stable than the national gas price average, which currently fluctuates around \$3 per gallon, excluding a significant drop during much of 2020 due to the COVID-19 pandemic. The overall average price for unleaded gasoline at the end of 2022 was approximately \$3.20 per gallon.<sup>196</sup> As noted earlier in this report, the average American purchased approximately 592 gallons of gasoline in 2021, and we estimate that the average illegal alien purchased approximately 414 gallons under the assumption that they drive somewhat less on average than U.S. citizens and lawfully present migrants.

Based on these calculations, the average illegal alien driver spends somewhere around \$1,325 annually on fuel, \$160 of which would go to state-level fuel taxes. Based on our earlier estimate that there are about 9 million illegal alien drivers in the United States, this means that they contribute approximately \$1.4 billion in state fuel taxes. This considerable increase since our last report is due to the fact that an increasing number of illegal aliens are comfortable driving due to the significant increase in the number of states that offer driver's licenses to illegal aliens.

### **State Sales and Excise Tax Receipts**

**\$4,850,494,000**

To calculate state sales and excise tax receipts, we take an alien's total disposable income, then determine what percentage of that will be spent on goods and services that are subject to the tax. We then estimate the overall average sales and excise tax rate for the average illegal alien based on their population distribution and the applicable tax rates in each state.

In almost every state, staple groceries and most other food items are exempt from sales tax. According to the USDA, the average family spent approximately 10.3 percent of their disposable personal income on groceries in 2021.<sup>197</sup> For



illegal alien households, this amounts to \$2,896 annually. However, due to their lower average income, it can be assumed that they likely spend a higher proportion of their income on groceries.

Fuel and housing taxes are included separately in this report, so spending on those categories should be subtracted as well. The average illegal alien spends about \$1,325 annually on fuel, as mentioned previously. The Bureau of Labor Statistics (BLS) estimates that the average American family spends 25.9 percent of their gross income on housing.<sup>198</sup> This totals approximately \$10,567 for illegal aliens. Again, since their incomes are significantly lower than the average American citizen, it's almost certain that housing costs account for a greater proportion of their budget.

There are other categories that may be exempt from sales tax in certain states. For example, many digital items such as streaming services, e-books, and digital copies of music and movies are exempt in many states. Other states exempt certain categories of clothing from sales tax. In addition, many states have sales tax holidays. It is difficult to estimate how much illegal aliens are spending on these items.

Based on the above analysis, we believe a safe assumption is that no more than 30 percent of the disposable income from illegal alien households goes toward purchasing goods and services that are subject to sales tax. So, based on the population distribution of illegal aliens,<sup>199</sup> their average income, and the corresponding tax rates in each state,<sup>200</sup> we estimate that illegal aliens pay a total of \$4.9 billion annually in sales and excise tax nationwide.<sup>201</sup>





## Net State Impact of Illegal Aliens

### **Total State Tax Receiptss**

Income Tax Receipts	\$5,728,653,000
Property Tax Receipts	\$3,152,993,000
Fuel Tax Receipts	\$1,440,000,000
Sales and Excise Tax Receipts	\$4,850,494,000
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Total State Taxes Paid	\$15,172,140,000
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The state tax payments made by illegal aliens fall far short of the costs incurred by their presence, as detailed below. These figures negate the argument that illegal aliens represent a net economic benefit to the United States.

Total State and Local Expenditures	\$115,608,729,000
Total State and Local Tax Receipts	-\$15,172,140,000
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Net State and Local Fiscal Impact	\$100,436,589,000

# Part III: Total Federal and State Fiscal Outlays



At the federal, state, and local levels, taxpayers shell out approximately \$182 billion to cover the costs incurred by the presence of more than 15.5 million illegal aliens, and about 5.3 million citizen children of illegal aliens. That amounts to a tax burden of approximately \$8,730 per illegal alien family member. These figures are before taxes paid by illegal aliens are factored in. The totals with taxes factored in are as follows:

### **Total Expenditures**

Total Federal Expenditures	\$66,449,136,000
Total State and Local Expenditures	\$115,608,729,000
Total National Expenditures	\$182,057,865,000

### **Net Tax Contributions**

Net Federal Taxes Paid	\$16,219,495,000
Net State and Local Taxes Paid	\$15,172,140,000
Total Net Tax Contributions	\$31,391,635,000

### **Total Cost of Illegal Immigration**

Total National Expenditures	\$182,057,865,000
Minus Total Tax Contributions	\$31,391,635,000

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**Total Fiscal Cost of Illegal Immigration on  
U.S. Taxpayers: \$150,666,230,000**

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## Endnotes

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<sup>2</sup> "Gross Domestic Product by State and Personal Income by State, 3<sup>rd</sup> Quarter 2022", Bureau of Economic Analysis, U.S. Department of Commerce, <https://www.bea.gov/sites/default/files/2022-12/stgdppi3q22.pdf>

<sup>3</sup> "Small Migrant Populations, Huge Impacts", FAIR, [https://www.fairus.org/sites/default/files/2020-01/Low-Immigration-States\\_web.pdf](https://www.fairus.org/sites/default/files/2020-01/Low-Immigration-States_web.pdf)

<sup>4</sup> Total number of U.S. taxpayers is based on the following report: Erica York, "Summary of the Latest Federal Income Tax Data, 2023 Update," Tax Foundation, <https://taxfoundation.org/publications/latest-federal-income-tax-data/>

<sup>5</sup> The federal government does this by releasing illegal aliens into the country under the expanded use of humanitarian parole, and by expanding programs such as Temporary Protected Status. Both of these programs consider illegal aliens to be "qualified aliens," which expands their access to many federal welfare and medical programs.

<sup>6</sup> FAIR Research, "2021 Update: How Many Illegal Aliens Live in the United States?" FAIR, April 2022, <https://www.fairus.org/issue/illegal-immigration/2021-update-how-many-illegal-aliens-live-united-states>

<sup>7</sup> Stephen A. Camarota, "The Second Generation: Glass Half Empty or Half Full?", Center for Immigration Studies, <https://cis.org/Report/Second-Generation-Glass-Half-Empty-or-Half-Full>

<sup>8</sup> Graph: Participation in Title I, Part A, ED Data Express, U.S. Department of Education, <https://eddataexpress.ed.gov/dashboard/title-i-part-a/2020-2021>

<sup>9</sup> Title I-A Funding Status and Awards, Office of Elementary and Secondary Education, U.S. Department of Education, <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/title-i-part-a-program/funding-status/>

<sup>10</sup> "The Elephant in the Classroom: Mass Immigration Imposing Colossal Cost and Challenges on Public Education", FAIR, [https://www.fairus.org/sites/default/files/2022-09/FAIR%20Education%20Report%20Sept%202022\\_1.pdf](https://www.fairus.org/sites/default/files/2022-09/FAIR%20Education%20Report%20Sept%202022_1.pdf)

<sup>11</sup> Title III-A Funding Status and Awards, Office of Elementary and Secondary Education, U.S. Department of Education, <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/english-language-acquisition-state-grants/funding-status/>

<sup>12</sup> "The Elephant in the Classroom: Mass Immigration Imposing Colossal Cost and Challenges on Public Education", FAIR, [https://www.fairus.org/sites/default/files/2022-09/FAIR%20Education%20Report%20Sept%202022\\_1.pdf](https://www.fairus.org/sites/default/files/2022-09/FAIR%20Education%20Report%20Sept%202022_1.pdf)

<sup>13</sup> We reach this estimate by examining all available data regarding the demographics of incoming illegal aliens since 2020,

and then use that data to create an estimate of how many of those new illegal aliens are minors who are likely to be enrolled in schools. Finally, we apply the LEP proportion statistics from our aforementioned Education study to this total.

<sup>14</sup> Department of Education’s FY 2022 Congressional Action, U.S. Department of Education, <https://www2.ed.gov/about/overview/budget/budget22/22action.pdf>

<sup>15</sup> “High Standards for All Students: A Report from the National Assessment of Title I on Progress and Challenges Since the 1994 Reauthorization”, U.S. Department of Education, <https://www2.ed.gov/rschstat/eval/disadv/nati.pdf>

<sup>16</sup> Major Occupation Groups by Nativity and Status, Pew Research Center, [https://www.pewresearch.org/hispanic/2016/11/03/appendix-d-detailed-tables/ph\\_11-03-16\\_unauthorized-app-d-13/](https://www.pewresearch.org/hispanic/2016/11/03/appendix-d-detailed-tables/ph_11-03-16_unauthorized-app-d-13/)

<sup>17</sup> Home Language Support, Head Start ECLKC, U.S. Department of Health & Human Services, <https://eclkc.ohs.acf.hhs.gov/culture-language/article/home-language-support>

<sup>18</sup> Elementary And Secondary School Emergency Relief Fund, Office of Elementary and Secondary Education, <https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/>

<sup>19</sup> “Frequently Asked Questions (ESSER/GEER Programs),” U.S. Department of Education, May 2021, [https://oese.ed.gov/files/2021/05/ESSER.GEER\\_.FAQs\\_5.26.21\\_745AM\\_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf](https://oese.ed.gov/files/2021/05/ESSER.GEER_.FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf)

<sup>20</sup> “ESSER III Funding Recommendations Work Session,” Fairfax County Public Schools, July 13, 2021, [https://go.boarddocs.com/vsba/fairfax/Board.nsf/files/C4VJTV4EAABE/\\$file/Final%20ESSER%20III%20Funding%20Recommendation7.13.21.pdf](https://go.boarddocs.com/vsba/fairfax/Board.nsf/files/C4VJTV4EAABE/$file/Final%20ESSER%20III%20Funding%20Recommendation7.13.21.pdf)

<sup>21</sup> United States Congress, “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” <https://www.congress.gov/104/plaws/publ193/PLAW-104publ193.pdf>; see also Abigail F. Kolker, “Unauthorized Immigrants’ Eligibility for Federal and State Benefits: Overview and Resources,” Congressional Research Service, November 29, 2022, <https://crsreports.congress.gov/product/pdf/R/R47318>

<sup>22</sup> Teresa A. Coughlin, Haley Samuel-Jakubos, and Rachel Garfield, “Sources of Payment for Uncompensated Care for the Uninsured,” Kaiser Family Foundation, April 6, 2021, <https://www.kff.org/uninsured/issue-brief/sources-of-payment-for-uncompensated-care-for-the-uninsured/>; adjustments for inflation, which increased significantly during the COVID-19 pandemic and resulting government spending sprees, were performed using the U.S. Inflation Calculator available at <https://www.usinflationcalculator.com/>

<sup>23</sup> Richard Payerchin, “National rate of uninsured people hits record low 8%, HHS says,” *Medical Economics*, August 4, 2022,



<https://www.medicaleconomics.com/view/national-rate-of-uninsured-people-hits-record-low-8-hhs-says>; for the original report see Aiden Lee, Joel Ruhter, Christie Peters, Nancy De Lew, Benjamin D. Sommers, “National Uninsured Rate Reaches All-Time Low in Early 2022”, Assistant Secretary for Planning and Evaluation, August 2022, <https://aspe.hhs.gov/sites/default/files/documents/15c1f9899b3f203887deba90e3005f5a/Uninsured-Q1-2022-Data-Point-HP-2022-23-08.pdf>

<sup>24</sup> “Profile of the Unauthorized Population: United States,” Migration Policy Institute, <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>; according to 2012 Congressional Budget Office estimates, at least one quarter of those without insurance are illegal aliens, see “The Affordable Care Act: Coverage Implications and Issues for Immigrant Families,” Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, <https://aspe.hhs.gov/reports/affordable-care-act-coverage-implications-issues-immigrant-families-0>

<sup>25</sup> This figure is based on the percentage of illegal aliens without health insurance as applied to FAIR’s latest illegal alien population estimate. See “2021 Update: How Many Illegal Aliens Live in the United States?”, FAIR, April 2022, <https://www.fairus.org/issue/illegal-immigration/2021-update-how-many-illegal-aliens-live-united-states>

<sup>26</sup> Steven A. Camarota, Karen Zeigler, and Jason Richwine, “Births to Legal and Illegal Immigrants in the U.S.,” Center for Immigration Studies, October 9, 2018, <https://cis.org/Report/Births-Legal-and-Illegal-Immigrants-US>.

<sup>27</sup> “Births to foreign-born mothers in the United States,” The Annie E. Casey Foundation, April 2022, <https://datacenter.kidscount.org/data/tables/14-births-to-foreign-born-mothers>

<sup>28</sup> “Births Financed by Medicaid,” Kaiser Family Foundation, <https://www.kff.org/medicaid/state-indicator/births-financed-by-medicaid/>

<sup>29</sup> Masanori Kuroki, “Immigrant women and Medicaid-financed births,” *Demographic Research*, Vol. 39, Article 31, October 16, 2018, pp. 871-882, <https://www.demographic-research.org/volumes/vol39/31/39-31.pdf>

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<sup>31</sup> Andrew Hurst, “The Cost of a C-Section Is More Than \$9,000 Greater on Average Than a Vaginal Delivery,” *Valuepenguin.com*, May 3, 2021, <https://www.valuepenguin.com/cost-of-vaginal-births-vs-c-sections>

<sup>32</sup> “How Undocumented Immigrants Sometimes Receive Medicaid Treatment,” PBS News Hour, February 13, 2013, <https://www.pbs.org/newshour/health/how-undocumented-immigrants-sometimes-receive-medicaid-treatment>; see also C. Annette DuBard and Mark W. Massing, “Trends in Emergency Medicaid Expenditures for Recent and Undocumented Immigrants,” *JAMA* 297(10) 1085-1092, March 14, 2007, <https://jamanetwork.com/journals/jama/fullarticle/206014>

<sup>33</sup> “Federally-facilitated Exchange Improper Payment Rate Less Than 1% in Initial Data Release,” Centers for Medicare

& Medicaid Services, November 15, 2022, <https://www.cms.gov/newsroom/press-releases/federally-facilitated-exchange-improper-payment-rate-less-1-initial-data-release>; For FY 2021 see “Financial Audit: FY 2021 and FY 2020 Consolidated Financial Statements of the U.S. Government,” U.S. Government Accountability Office, February 17, 2022, <https://www.gao.gov/assets/gao-22-105122.pdf>

<sup>34</sup> “Medicaid Fraud Control Units Fiscal Year 2021 Annual Report,” U.S. Department of Health and Human Services, Office of Inspector General, March 2022, <https://oig.hhs.gov/oei/reports/OEI-09-22-00020.pdf>

<sup>35</sup> Jennifer Tolbert, Kendal Orgera, and Anthony Damico, “Key Facts about the Uninsured Population,” Kaiser Family Foundation, November 6, 2020, <https://www.kff.org/uninsured/issue-brief/key-facts-about-the-uninsured-population/>

<sup>36</sup> Ibid.

<sup>37</sup> “Medicaid Income Eligibility Limits for Adults as a Percent of the Federal Poverty Level,” Kaiser Family Foundation, timeframe as of January 1, 2022, <https://www.kff.org/health-reform/state-indicator/medicaid-income-eligibility-limits-for-adults-as-a-percent-of-the-federal-poverty-level/>

<sup>38</sup> “Profile of the Unauthorized Population-United States”, Migration Policy Institute, <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>

<sup>39</sup> “EXHIBIT 22. Medicaid Benefit Spending Per Full-Year Equivalent (FYE) Enrollee by State and Eligibility Group,” Medicaid and CHIP Payment and Access Commission, February 2022, <https://www.macpac.gov/wp-content/uploads/2022/10/EXHIBIT-22.-Medicaid-Benefit-Spending-per-Full-Year-Equivalent-Enrollee-FYE-by-State-and-Eligibility-Group-FY-2020.pdf>

<sup>40</sup> “Immigration status and the Marketplace”, Healthcare.gov, U.S. Department of Health and Human Services, <https://www.healthcare.gov/immigrants/immigration-status/>

<sup>41</sup> Jill H. Wilson, “Immigration: ‘Recalcitrant’ Countries and the Use of Visa Sanctions to Encourage Cooperation with Alien Removals”, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/IF/IF11025>

<sup>42</sup> Matt O’Brien et al., “SCAAP Data Suggest Illegal Aliens Commit Crime at a Much Higher Rate Than Citizens & Lawful Immigrants”, FAIR, [https://www.fairus.org/sites/default/files/2019-01/SCAAP-Data-Illegal-Aliens-Have-Higher-Crime-Rate\\_0.pdf](https://www.fairus.org/sites/default/files/2019-01/SCAAP-Data-Illegal-Aliens-Have-Higher-Crime-Rate_0.pdf)

<sup>43</sup> “Alien Incarceration Report,” Fiscal Year 2019, U.S. Department of Justice, <https://www.justice.gov/opa/press-release/file/1328316/download>

<sup>44</sup> “Inmate Citizenship”, United States Bureau of Prisons, [https://www.bop.gov/about/statistics/statistics\\_inmate\\_citizenship.jsp](https://www.bop.gov/about/statistics/statistics_inmate_citizenship.jsp)

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<sup>47</sup> “Alien Incarceration Report,” Fiscal Year 2019, U.S. Department of Justice, <https://www.justice.gov/opa/press-release/file/1328316/download>

<sup>48</sup> “State and Local Cooperation on Immigration Enforcement: ICE Access”, FAIR, <https://www.fairus.org/issue/illegal-immigration/state-and-local-cooperation-immigration-enforcement-ice-access>

<sup>49</sup> FY2023 Budget in Brief, U.S. Department of Homeland Security, [https://www.dhs.gov/sites/default/files/2022-03/22-%201835%20-%20FY%202023%20Budget%20in%20Brief%20FINAL%20with%20Cover\\_Remediated.pdf](https://www.dhs.gov/sites/default/files/2022-03/22-%201835%20-%20FY%202023%20Budget%20in%20Brief%20FINAL%20with%20Cover_Remediated.pdf)

<sup>50</sup> FY23 Budget Overview, U.S. Customs and Border Protection, [https://www.dhs.gov/sites/default/files/2022-03/U.S.%20Customs%20and%20Border%20Protection\\_Remediated.pdf](https://www.dhs.gov/sites/default/files/2022-03/U.S.%20Customs%20and%20Border%20Protection_Remediated.pdf)

<sup>51</sup> Legal immigrants to the United States who are convicted of a crime often lose their status, whether a visa or lawful permanent residence, upon conviction, and become illegal aliens subject to removal. Their removal is a cost associated with illegal immigration.

<sup>52</sup> FY2023 DHS Budget in Brief, DHS

<sup>53</sup> State Criminal Aliens Assistance Program, Bureau of Justice Assistance, <https://bja.ojp.gov/program/state-criminal-alien-assistance-program-scaap/overview>

<sup>54</sup> FY22 Federal Budget Appropriations Chart, National League of Cities, <https://www.nlc.org/wp-content/uploads/2022/03/FY22-Appropriations-Chart.pdf>

<sup>55</sup> Immigration Court Backlog Tool, TRACImmigration, University of Syracuse, [https://trac.syr.edu/phptools/immigration/court\\_backlog/](https://trac.syr.edu/phptools/immigration/court_backlog/)

<sup>56</sup> Nature of Charge in New Filings Seeking Removal Orders through February 2022, TRACImmigration, University of Syracuse, [https://trac.syr.edu/phptools/immigration/charges/apprep\\_newfiling\\_charge.php](https://trac.syr.edu/phptools/immigration/charges/apprep_newfiling_charge.php)

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<https://bja.ojp.gov/funding/o-bja-2022-171368.pdf>

<sup>60</sup> Christian Wade, “States deploy about 2,500 National Guard troops to U.S.-Mexico border”, The Center Square, [https://www.thecentersquare.com/national/states-deploy-about-2-500-national-guard-troops-to-u-s--mexico-border/article\\_b043558a-440d-11ed-98b5-37b300fa8344.html](https://www.thecentersquare.com/national/states-deploy-about-2-500-national-guard-troops-to-u-s--mexico-border/article_b043558a-440d-11ed-98b5-37b300fa8344.html)

<sup>61</sup> “National Gang Threat Assessment 2009”, Federal Bureau of Investigation, <https://www.fbi.gov/file-repository/stats-services-publications-national-gang-threat-assessment-2009-pdf/view>

<sup>62</sup> Kara Clifford Billings, “School Meals and Other Child Nutrition Programs: Background and Funding,” Congressional Research Service, updated May 23, 2022, <https://crsreports.congress.gov/product/pdf/R/R46234>

<sup>63</sup> Steven A. Camarota, “Welfare Use by Legal and Illegal Immigrant Households: An Analysis of Medicaid, cash, food, and housing programs,” Center for Immigration Studies, September 9, 2015, <https://cis.org/Report/Welfare-Use-Legal-and-Illegal-Immigrant-Households>; for a more recent update based on 2018 data (which, unfortunately, did not distinguish between illegal aliens and legal immigrants) see Steven A. Camarota, “Welfare Use for Immigrants and Native-Born Households,” Center for Immigration Studies, September 1, 2021, <https://cis.org/Camarota/Welfare-Use-Immigrants-and-NativeBorn-Households>

<sup>64</sup> “The Elephant in the Classroom: Mass Immigration Imposing Colossal Cost and Challenges on Public Education,” FAIR, September 14, 2022, <https://www.fairus.org/issue/illegal-immigration/elephant-classroom-mass-immigration-imposing-colossal-cost-and-challenges>

<sup>65</sup> USDA Food and Nutrition Service, “Federal Cost of School Food Programs 1,” data as of October 14, 2022, <https://fns-prod.azureedge.us/sites/default/files/resource-files/cncost-10.pdf>

<sup>66</sup> Steven A. Camarota, “Welfare Use by Legal and Illegal Immigrant Households: An Analysis of Medicaid, cash, food, and housing programs,” Center for Immigration Studies, September 9, 2015, <https://cis.org/Report/Welfare-Use-Legal-and-Illegal-Immigrant-Households>

<sup>67</sup> See our population and income profile of illegal aliens in the federal tax contributions section of this report for more on how we calculate this total

<sup>68</sup> “Supplemental Nutrition Assistance Program,” USDA Food and Nutrition Service, data as of November 10, 2022, <https://fns-prod.azureedge.us/sites/default/files/resource-files/34SNAPmonthly-11.pdf>

<sup>69</sup> “WIC Program Grant Levels by Fiscal Year,” USDA Food and Nutrition Service, updated October 3, 2022, <https://www.fns.usda.gov/wic/wic-program-grant-levels-fy>

<sup>70</sup> “WIC Program,” USDA Economic Research Service, August 10, 2022, <https://www.ers.usda.gov/topics/food-nutrition-assistance/wic-program/>

<sup>71</sup> Steven A. Camarota, “Welfare Use by Legal and Illegal Immigrant Households: An Analysis of Medicaid, cash, food, and housing programs,” Center for Immigration Studies, September 9, 2015, <https://cis.org/Report/Welfare-Use-Legal-and-Illegal-Immigrant-Households>

<sup>72</sup> “WIC During COVID-19: Participation and Benefit Redemption Since the Onset of the Pandemic,” Food Research & Action Center, October 2022, <https://frac.org/wp-content/uploads/wic-during-covid-19-2022.pdf>

Historically, WIC participation was at its peak in 2010 (10 million), declining steadily in subsequent years down to 7 million in 2020. See “Figure 1: WIC Participation, 1992–2020,” USDA Food and Nutrition Service, updated February 14, 2022, <https://www.fns.usda.gov/wic/participant-program-characteristics-2020-charts>

<sup>73</sup> “WIC Program: Average Monthly Benefit Per Person,” USDA Food and Nutrition Service, data as of November 10, 2022, [https://fns-prod.azureedge.us/sites/default/files/resource-files/25wifyavgfd\\$-11.pdf](https://fns-prod.azureedge.us/sites/default/files/resource-files/25wifyavgfd$-11.pdf)

<sup>74</sup> Temporary Assistance for Needy Families, Benefits.gov, accessed February 6, 2023, <https://www.benefits.gov/benefit/613>

<sup>75</sup> “How Grandparent and Relative Caregivers Can Access Support through the TANF Program,” American Bar Association, May 1, 2014, [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-33/may-2014/how-grandparent-and-relative-caregivers-can--access-support-thro/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-33/may-2014/how-grandparent-and-relative-caregivers-can--access-support-thro/)

<sup>76</sup> “TANF: Total Number of Child Recipients,” U.S. Department of Health and Human Services Office of Family Assistance, September 26, 2022, [https://www.acf.hhs.gov/sites/default/files/documents/ofa/fy2022\\_tanf\\_caseload.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ofa/fy2022_tanf_caseload.pdf)

<sup>77</sup> “Federal TANF and State MOE Expenditures Summary by ACF-196R Spending Category, FY 2021,” U.S. Department of Health and Human Services Office of Family Assistance, December 13, 2022, [https://www.acf.hhs.gov/sites/default/files/documents/ofa/fy2021\\_tanf\\_financial\\_data\\_table\\_20221201.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ofa/fy2021_tanf_financial_data_table_20221201.pdf)

<sup>78</sup> CIS estimates that 2.8 percent of illegal-alien-headed households with children received TANF. Since there are almost 2.7 million such households, this means that almost 75,000 illegal alien households/families benefited from TANF, making up 9.4 percent of all TANF-receiving families (based on a FY 2022 monthly average). See “TANF Caseload Data 2022,” U.S. Department of Health & Human Services, Office of Family Assistance, current as of January 25, 2023, <https://www.acf.hhs.gov/ofa/data/tanf-caseload-data-2022>

<sup>79</sup> “Child Care and Development Fund Reauthorization,” U.S. Department of Health & Human Services, Office of Child Care, May 19, 2022, <https://www.acf.hhs.gov/occ/ccdf-reauthorization>

<sup>80</sup> “GY 2022 CCDF Allocations (Based on Appropriations),” U.S. Department of Health & Human Services, Office of Child Care, current as of July 13, 2022, <https://www.acf.hhs.gov/occ/data/gy-2022-ccdf-allocations-based-appropriations>

This includes a permanent annual increase of \$633 million to federal mandatory and matching funds introduced as part of ARP in 2021

<sup>81</sup> “ACF Releases Nearly \$10 Billion in COVID-19 Relief Funds to State, Territory, and Tribal CCDF Programs,” U.S. Department of Health & Human Services, February 4, 2021, <https://www.acf.hhs.gov/occ/news/acf-releases-nearly-10-billion-covid-19-relief-funds-state-territory-and-tribal-ccdf>; See also “Information Memorandum: ARP Act CCDF Discretionary Supplemental Funds,” U.S. Department of Health and Human Services, Administration for Children and Families, June 11, 2021, <https://www.acf.hhs.gov/sites/default/files/documents/occ/CCDF-ACF-IM-2021-03.pdf>

<sup>82</sup> We arrived at this figure by taking 9.4 percent of the \$9.65 billion in federal CCDF 2022 funding, which is \$911 million

<sup>83</sup> “Social Security Handbook”, Social Security Administration, last revised April 19, 2017, [https://www.ssa.gov/OP\\_Home/handbook/handbook.06/handbook-0602.html](https://www.ssa.gov/OP_Home/handbook/handbook.06/handbook-0602.html)

<sup>84</sup> Steven A. Camarota, “Welfare Use by Legal and Illegal Immigrant Households: An Analysis of Medicaid, cash, food, and housing programs,” Center for Immigration Studies, September 9, 2015, <https://cis.org/Report/Welfare-Use-Legal-and-Illegal-Immigrant-Households>

<sup>85</sup> We took 1.1 percent of 6.7 million illegal alien households, which helped us arrive at the figure of 73,400 illegal alien households likely receiving SSI payments. The average monthly SSI payments, which we updated for inflation because they were valid as of December 2021, can be found online in the 2022 Social Security Administration “Annual Statistical Supplement”, available at <https://www.ssa.gov/policy/docs/statcomps/supplement/2022/7b.html>

We used a similar methodology on the federally-administered state supplements in California, Delaware, the District of Columbia, Hawaii, Iowa, Michigan, Montana, Nevada, New Jersey, Pennsylvania, Rhode Island, and Vermont, taking into account that the illegal alien population (including U.S.-born children) accounts for 32 percent of the total national illegal alien (plus children) population

<sup>86</sup> Maggie McCarty and Abigail F. Kolker, “Noncitizen Eligibility for Federal Housing Programs,” Congressional Research Service, July 23, 2020, <https://sgp.fas.org/crs/misc/R46462.pdf>

It should be noted that the references to HUD data revealed during the Trump administration on mixed-status families was scrubbed from the report in the process of updating in January 2023

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> This was derived by adjusting the 2017 numbers for illegal alien population growth, and then dividing that total by the total number of nationwide program beneficiaries (10.4 million). When applied to the last pre-COVID (2019) federal housing assistance spending of \$51 billion annually, we arrive at \$334 million. See “The Federal Government’s Support for Low-Income Housing Expanded During the Pandemic,” Peter G. Peterson Foundation, June 24, 2022, <https://www.pgpf.org/blog/2022/06/how-does-the-federal-government-support-housing-for-low-income-households>; “Policy Basics: Federal Rental Assistance,” Center on Budget and Policy Priorities, updated January 11, 2022, <https://www.cbpp.org/research/housing/federal-rental-assistance>

<sup>90</sup> Spencer Raley, “IRS Boss: Not Our Job to Report Identity Fraud Committed by Illegal Aliens”, FAIR <https://www.immigrationreform.com/2016/04/15/irs-boss-not-our-job-to-report-identity-fraud-committed-by-illegal-aliens/>

<sup>91</sup> “Average Household Income Before Transfers and Taxes, 2019”, The Distribution of Household Income, 2019, Congressional Budget Office, [https://www.cbo.gov/publication/58781#\\_idTextAnchor015](https://www.cbo.gov/publication/58781#_idTextAnchor015)

<sup>92</sup> Jessica Semega and Melissa Kollar, “Income in the United States: 2021”, U.S. Census Bureau, <https://www.census.gov/content/dam/Census/library/publications/2022/demo/p60-276.pdf>

<sup>93</sup> FAIR estimates that 40 percent of the total households with an illegal alien head contains at least one child, as mentioned elsewhere in this report. Of those families, it is estimated that the average household size is approximately 4.5. This closely mirrors data for immigrant families contained in the U.S. Census Bureau along with those of other reputable research organizations. It is important to note that FAIR believes that the percentage of illegal households containing at least one child is lower than the overall immigrant total of 47 percent. This is because illegal alien demographics contain a higher concentration of single males, and individuals who entered the U.S. illegally but left their families in their home country

<sup>94</sup> Jason Richwine and Robert Rector, “The Fiscal Cost of Unlawful Immigrants and Amnesty to the U.S. Taxpayer,” The Heritage Foundation, May 6, 2013, <http://www.heritage.org/immigration/report/the-fiscal-cost-unlawful-immigrants-and-amnesty-the-us-taxpayer>

<sup>95</sup> Abby Budiman, “Key findings about U.S. Immigrants”, Pew Research Center, <https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/>

<sup>96</sup> “Personal Income and Outlays, December 2022”, Bureau of Economic Analysis, U.S. Department of Commerce, <https://www.bea.gov/sites/default/files/2023-01/pi1222.pdf>

<sup>97</sup> “Foreign-Born Workers: Labor Force Characteristics- 2021”, Bureau of Labor Statistics, U.S. Department of Commerce, <https://www.bls.gov/news.release/pdf/forbrn.pdf>

<sup>98</sup> In FAIR’s previous iteration of this report in 2017, we estimated that approximately 25 percent of the illegal alien workforce participated in the underground economy based on available information (largely from a 2013 report from the Social Security Administration, remittance data from World Bank, estimates from other organizations such as Pew Research and the Migration Policy Institute, and other fragmented data). While the general political environment has become more favorable to illegal aliens in the past couple of years, there is little concrete evidence to suggest that this estimate has changed.

<sup>99</sup> This figure was derived primarily by examining the demographics estimated to have the skills and opportunity to participate in higher earning occupational fields. We estimated this figure by tracking available information pertaining to individuals with “unmatched arrival records” in high-earning visa categories, such as B-1, H-2B, visa-waiver visitors for business, and other minor business-related visa categories, as well as visa overstay data as reported by DHS. We then adjusted these numbers to account for individuals who are believed to have left the country, and applied our estimated labor force participation and unemployment rates to the final total.

See “Fiscal Year 2020 Entry/Exit Overstay Report”, U.S. Department of Homeland Security, September 30, 2021, [https://www.dhs.gov/sites/default/files/2021-12/CBP%20-%20FY%202020%20Entry%20Exit%20Overstay%20Report\\_0.pdf](https://www.dhs.gov/sites/default/files/2021-12/CBP%20-%20FY%202020%20Entry%20Exit%20Overstay%20Report_0.pdf);

“DHS Tracking of Visa Overstays is Hindered by Insufficient Technology”, Office of Inspector General, U.S. Department of Homeland Security, May 1, 2017, [https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-56-May17\\_0.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-56-May17_0.pdf)

<sup>100</sup> This assumption is based on the fact that while the overall number of DACA recipients has decreased, the total number of TPS holders and asylum applicants has increased.

<sup>101</sup> “Foreign-born workers with a bachelor’s degree and higher earned more than native born in 2018”, U.S. Bureau of Labor Statistics, U.S. Department of Labor, <https://www.bls.gov/opub/ted/2019/foreign-born-workers-with-a-bachelors-degree-and-higher-earned-more-than-native-born-in-2018.htm>

<sup>102</sup> Tina Orem, “Standard Deduction: How Much It Is in 2022-2023 and When to Take it”, NerdWallet, <https://www.nerdwallet.com/article/taxes/standard-deduction>

<sup>103</sup> Sabrina Parys and Tina Orem, “2022-2023 Tax Brackets and Federal Income Tax Rates”, NerdWallet, <https://www.nerdwallet.com/article/taxes/federal-income-tax-brackets>

<sup>104</sup> “Individual Taxpayer Identification Number (ITIN) Filers and the Child Tax Credit: Overview and Legislation”, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/R/R44420>

<sup>105</sup> “Child Tax Credit”, Policy Issues, U.S. Department of the Treasury, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-american-families-and-workers/child-tax-credit>

<sup>106</sup> This per-capita estimate falls in line with estimates from the Center for Immigration Studies (CIS). However, our final estimate is slightly higher than theirs as FAIR’s assessment of the illegal alien population is higher than estimates from CIS.

See Steven A. Camarota, “Illegal Aliens Get \$10.5 Billion from Child Tax Credit in Reconciliation; More than Previously Estimated,” Center for Immigration Studies, November 9, 2021, <https://cis.org/Camarota/Illegal-Immigrants-Get-105-Billion-Child-Tax-Credit-Reconciliation-More-Previously>

<sup>107</sup> “What You Need to Know about CTC, ACTC and ODC”, Internal Revenue Service, <https://www.aitc.irs.gov/other-refundable-credits-toolkit/what-you-need-to-know-about-ctc-and-actc/what-you-need-to-know>



<sup>108</sup> “Earned Income and Earned Income Tax Credit (EITC) Tables, Internal Revenue Service,

<https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit/earned-income-and-earned-income-tax-credit-eitc-tables>

<sup>109</sup> “Earned Income Tax Credit Overview”, National Conference of State Legislatures, <https://www.ncsl.org/research/labor-and-employment/earned-income-tax-credits-for-working-families.aspx>

<sup>110</sup> “Basic Qualifications”, Earned Income Tax Credit & Other Refundable Credits, Internal Revenue Service,

<https://www.eitc.irs.gov/tax-preparer-toolkit/frequently-asked-questions/basic-qualifications/basic-qualifications-2>

<sup>111</sup> “Resident Aliens,” Internal Revenue Service, <https://www.irs.gov/individuals/international-taxpayers/resident-aliens>

<sup>112</sup> Steven A. Camarota and Karen Zeigler, “Estimating Illegal Immigrant Receipt of Cash Payments from the EITC and ACTC”, Center for Immigration Studies, <https://cis.org/Report/Estimating-Illegal-Immigrant-Receipt-Cash-Payments-EITC-and-ACTC>

<sup>113</sup> It is important to note here that the Biden administration is utilizing (and arguably misusing) various programs such as humanitarian parole to usher apprehended illegal aliens into the country while they await immigration proceedings and ultimately provide them with some form of status (even if that status does not mean they are lawfully admitted into the country), most of which include work authorization. These illegal aliens are included in this category. Specific data for these categories beyond early 2022 is scant. Therefore, as more information on the consequence of these programs become public, we can expect this designation to grow considerably.

<sup>114</sup> Stephen Goss et al., “Effects of Unauthorized Immigration on the Actuarial Status of the Social Security Trust Funds”, Office of the Chief Actuary, Social Security Administration, [https://www.ssa.gov/oact/NOTES/pdf\\_notes/note151.pdf](https://www.ssa.gov/oact/NOTES/pdf_notes/note151.pdf)

<sup>115</sup> “Spotlight on SSI Benefits for Noncitizen-2022 Edition”, Social Security Administration, <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>

<sup>116</sup> We assume that most illegal aliens working in the aboveground economy pay Social Security taxes, and that none of the illegal aliens working in the underground economy pay into the program. The same is true for our Medicare estimates.

<sup>117</sup> Since the federal government continues to delay the implementation of REAL ID (which would bar most illegal aliens from flying), and an increasing number of states offer driver’s licenses to illegal aliens, it’s likely that a growing number of illegal aliens are now using air travel as a means to move around the country. However, since most illegal aliens are low-income earners, it is still unlikely that a large portion of them can regularly afford to travel by air, meaning that their tax contributions (currently 7.5 percent of the base ticket cost) would be relatively limited.

<sup>118</sup> “Gasoline Explained”, U.S. Energy Information Administration, <https://www.eia.gov/energyexplained/gasoline/use-of-gasoline.php>

<sup>119</sup> ‘Deferred Action For Childhood Arrivals- Federal Policy and Examples of State Actions’, National Conference of State Legislatures, <https://www.ncsl.org/research/immigration/deferred-action.aspx>

See also “Real ID Frequently Asked Questions for the Public”, U.S. Department of Homeland Security, <https://www.dhs.gov/archive/real-id-public-faqs>

<sup>120</sup> Pawel Styrna, “Drivers Licenses for Illegal Aliens: A Bad Policy That Undermines our Immigration Laws, FAIR, August 2020, <https://www.fairus.org/issue/illegal-immigration/drivers-licenses-illegal-aliens-policy-immigration>

<sup>121</sup> This estimate is based on previous FAIR research (FAIR’s 2017 Fiscal Cost Study) as well as our previous assessment that illegal aliens are less likely to drive in states which do not allow them to obtain drivers licenses, and are less likely to drive as much U.S. citizens and lawful migrants due to their lower average income.

<sup>122</sup> Megan Brennan, “83% of U.S. Adults Drive Frequently; Fewer Enjoy It a Lot”, Gallup, <https://news.gallup.com/poll/236813/adults-drive-frequently-fewer-enjoy-lot.aspx>

<sup>123</sup> Gasoline Frequently Asked Questions (FAQs), U.S. Energy Information Administration, <https://www.eia.gov/tools/faqs/faq.php?id=10&t=10>

<sup>124</sup> “Tax Reform- Craft Beverage Modernization Act”, Alcohol and Tobacco Tax and Trade Bureau, U.S. Department of the Treasury, <https://www.ttb.gov/alcohol/craft-beverage-modernization-and-tax-reform-cbmtra>

<sup>125</sup> Magdalena Szafarski, Lisa A. Cubbins, and Jun Ying, “Epidemiology of Alcohol Abuse Among U.S. Immigrant Populations,” *Journal of Immigrant Minor Health* vol. 13,4 (2011) 647-58, August 13, 2011, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3133815/>

<sup>126</sup> Race Demographics Statistics on Alcoholism & Treatment, American Addiction Centers, <https://alcohol.org/alcoholism-and-race/>

<sup>127</sup> Samuel Stebbins, “How much beer does your state drink? In the thirstiest, about 40 gallons a year per person”, *USA Today*, <https://www.usatoday.com/story/money/2019/09/14/how-much-beer-did-the-average-person-drink-in-every-state/40109241/>

<sup>128</sup> Jizzo R. Bosdriesz et al., “Smoking Prevalence among Migrants in the US Compared to the US-Born and the Population in Countries of Origin”, *PloS one* vol. 8,3 (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3592805/>

<sup>129</sup> “The Stats on Smoking”, Swedish Health Services, <https://www.swedish.org/classes-and-resources/smoking-cessation/smoking-statistics>

<sup>130</sup> “Cigarette and Tobacco Taxes”, American Lung Association. <https://www.lung.org/policy-advocacy/tobacco/tobacco-taxes>

<sup>131</sup> “The Elephant in the Classroom: Mass Immigration Imposing Colossal Cost and Challenges on Public Education”, FAIR, <https://www.fairus.org/issue/illegal-immigration/elephant-classroom-mass-immigration-imposing-colossal-cost-and-challenges>

<sup>132</sup> Figure estimated by applying the share of students who are the children of illegal aliens as estimated in FAIR’s report *The Elephant in the Classroom: Mass Immigration Imposing Colossal Cost and Challenges on Public Education* to FAIR’s estimate of how much the illegal alien population has grown since timeframe covered by the report.

<sup>133</sup> “Profile of the Unauthorized Population: United States”, Migration Policy Institute, <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>

<sup>134</sup> The Elephant in the Classroom, FAIR

<sup>135</sup> *Plyler v. Doe*, 457 US 202 (1982), <https://www.oyez.org/cases/1981/80-1538>

<sup>136</sup> The Elephant in the Classroom, FAIR

<sup>137</sup> 20 U.S.C. § 1091(a)(5), <https://www.law.cornell.edu/uscode/text/20/1091>

<sup>138</sup> U.S.C. § 1623, <https://www.law.cornell.edu/uscode/text/8/1623>

<sup>139</sup> “Tuition Benefits for Immigrants”, National Conference of State Legislatures, <https://www.ncsl.org/immigration/tuition-benefits-for-immigrants>

<sup>140</sup> Zaidee Stavely, “Challenges remain for undocumented students to tap financial aid in California”, EdSource, <https://edsources.org/2021/challenges-remain-for-undocumented-students-to-tap-financial-aid-in-california/664079>

<sup>141</sup> Pawel Styrna, “Birth Tourism,” FAIR, March 2020, <https://www.fairus.org/issue/legal-immigration/birth-tourism>.

<sup>142</sup> Pawel Styrna, “Birthright Citizenship and Illegal Immigration,” FAIR, March 2020, <https://www.fairus.org/issue/legal-immigration/birthright-citizenship-and-illegal-immigration>

<sup>143</sup> Seth Barron, “Undocumented and Unmeasured: New York’s political leaders obscure the costs of illegal immigration under sentimental rhetoric,” *City Journal*, September 2, 2016, <https://www.city-journal.org/html/undocumented-and-unmeasured-14713.html>

<sup>144</sup> “Undocumented Immigrants in the United States: U.S. Health Policy and Access to

Care,” The Hastings Center, <https://undocumented.thehastingscenter.org/issuebrief/health-policy-and-access-to-care/>

<sup>145</sup> Sabrina T. Sanchez, “700,000 undocumented immigrants to be covered in California’s Medi-Cal expansion,” ABC10, June 29, 2022, <https://www.abc10.com/article/news/community/race-and-culture/california-expand-medi-cal-undocumented-residents/103-3e6111cf-a126-47a9-9bcb-3fc9bb8e5d77>; Timothy H.J. Nerozzi, “HHS approves Washington state request to offer health insurance to illegal immigrants, citing ‘health equity,’” Fox News, December 13, 2022, <https://www.foxnews.com/politics/hhs-approves-washington-state-request-offer-health-insurance-illegal-immigrants-citing-health-equity>

<sup>146</sup> Robin Rudowitz, Elizabeth Williams, Elizabeth Hinton, and Rachel Garfield, “Medicaid Financing: The Basics,” Kaiser Family Foundation, May 7, 2021, <https://www.kff.org/report-section/medicaid-financing-the-basics-issue-brief/>

<sup>147</sup> Teresa A. Coughlin, Haley Samuel-Jakubos, and Rachel Garfield, “Sources of Payment for Uncompensated Care for the Uninsured,” Kaiser Family Foundation, April 6, 2021, <https://www.kff.org/uninsured/issue-brief/sources-of-payment-for-uncompensated-care-for-the-uninsured/>

<sup>148</sup> “Profile of the Unauthorized Population: United States,” Migration Policy Institute, <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>

MPI’s estimates of percentages of insured and uninsured illegal aliens were applied to FAIR’s estimates of the total illegal alien population in the U.S.

<sup>149</sup> Richard Payerchin, “National rate of uninsured people hits record low 8%, HHS says,” *Medical Economics*, August 4, 2022, <https://www.medicaleconomics.com/view/national-rate-of-uninsured-people-hits-record-low-8-hhs-says>; for the original report see Aiden Lee, Joel Ruhter, Christie Peters, Nancy De Lew, Benjamin D. Sommers, “Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, August 2022, <https://aspe.hhs.gov/sites/default/files/documents/15c1f9899b3f203887deba90e3005f5a/Uninsured-Q1-2022-Data-Point-HP-2022-23-08.pdf>

<sup>150</sup> Rudowitz et al., Medicaid Financing, Kaiser Family Foundation

<sup>151</sup> Ibid.

<sup>152</sup> Eligible Older Adult Expansion Individuals Enrolled in Medi-Cal, CHHS Open Data, <https://data.chhs.ca.gov/dataset/a5ea66bb-df0d-4e4a-bd9f-b73c24f0edc0/resource/7271b885-7340-49e2-ba56-5435b698a972/download/odp-oae-dataset-august-2022-to-october-2022-12.14.2022.csv>

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## Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win)

‘We are facing the exhaustion of survival capabilities.’



Iván Reyes/TNH

People pass in front of a Caracas school with an image of Hugo Chávez on the wall. Under Chávez's successor Nicolás Maduro, Venezuelans have endured an economic collapse, increased repression, and a humanitarian crisis.



**Iván Reyes**

Venezuelan journalist, photographer, and TNH Humanitarian Reporting Fellow based in Caracas.

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CARACAS

**A month ahead of Venezuela's pivotal presidential election, uncertainty about the future is peaking as people across the country wrestle with increasing authoritarianism and the all-encompassing fallout of an unrelenting humanitarian crisis.**

Everything will be on the line on 28 July, when citizens have to pick between President Nicolás Maduro, who won an election widely seen as **fraudulent** in 2018, and opposition candidate Edmundo González Urrutia.

The campaign has been tense. Maduro banned María Corina Machado from running after she overwhelmingly won the opposition primary and has since intensified his repression against other opposition members, activists, journalists, and **NGOs**.

Many fear Maduro will steal the election again and are considering **migrating** if there is no change of leadership. A recent poll conducted nationwide by research firm Delphos showed that **about 25%** of those polled were considering migrating for economic reasons. Of those, 47% said they would stay if González wins.

Since 2015, the rapid deterioration in humanitarian conditions has led more than **7.7 million** people to leave – one of the largest displacement crises in the world. Most migrants and refugees have moved to other Latin American countries where they often live in poor conditions due to lack of

United States.

**“There is an endless circle of overlapping deficiencies that make it more difficult to cope with needs and put people in a continuous situation of vulnerability.”**

On 23 June, Maduro **called on migrants to return** home, promising “growth, prosperity, wellbeing, and humanity”, and announcing the appointment of a new migration minister to help them do so. Conditions within Venezuela suggest it’s unlikely many will.

The 28.8 million people who remain in Venezuela are faced with soaring prices due to **inflation** rates that were until recently among the highest in the world, and a monthly minimum wage frozen at less than \$4. A de facto **dollarisation has failed** to boost the economy, and the lack of basic services – once limited to the regions and rural areas – is now affecting the capital, Caracas, as well.

“[There is] an endless circle of overlapping deficiencies that make it more difficult to cope with needs and put people in a continuous situation of vulnerability,” said Jo D’Elia, director of the human rights NGO Civilis and a member of HumVenezuela, which monitors and provides data on the humanitarian emergency.

“We are facing the exhaustion of survival capabilities, as well as the traumas and consequences of violence and exploitation,” D’Elia told The New Humanitarian.

## **Chronic malnutrition sets in**

Maduro **long denied** he is presiding over a humanitarian crisis. Facts tell a different story. Until 2011, there was **little to no hunger** in Venezuela, but more than **five million** people now suffer from undernourishment – the highest level in South America.

People who have borrowed food

65.3%

People who have spent their savings on food

53.7%

People with protein-deficient diets

51.6%

Food insecure people

45.2%

People in moderate food insecurity

35.7%

People in severe food insecurity

9.5%

Children < 5 years old with some degree of nutritional deficit or at risk of nutritional deficit

64.7%

Children < 5 years with acute or chronic malnutrition

44.8%

Chart: Data from November 2023 • Source: [HumVenezuela](#)

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Since 2015, **GDP has fallen by 80%** and the minimum wage by 95%, according to the NGO Provea. While Maduro blames the impact of sanctions imposed by the US and others, experts say **economic mismanagement and corruption** are the chief culprits.

**Food scarcity has decreased**, but 70% of processed food is now imported and therefore more expensive. With livelihood losses affecting **nearly 70%** of the population in 2023 – and **high inflation** – many families find it impossible to meet their basic food needs.

Fuel has become scarce and hard on people's wallets. Filling up a tank of gas at the subsidised price may be cheaper, but you need to wait hours – sometimes days – in long queues to do so. Paying international prices means spending at least \$20 when the minimum wage is less than \$4. This

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humanitarian emergencies, and disaster risk, said 60-80% of people in poor areas have resorted to negative coping strategies, such as selling belongings to buy food.

Imara Rodríguez, a 37-year-old mother of five with no steady job, said she goes to a trash dump in Caracas every day to scavenge for items of any value she can sell to buy food for the three children who still live with her.

"With what I get, I buy rice, eggs, and some vegetables. That's what my children eat every day," she told The New Humanitarian.

The money she makes isn't enough for her food needs as well, so she has to eat what she can find on the street. She tends to go to the same spot on one of the main roads, where leftovers of fried chicken from a US fast food chain are discarded on the ground. She is not the only one who scavenges there.

"I don't give it to my children because it might upset their stomachs," she said.

The day she spoke with The New Humanitarian, Rodríguez had only eaten some mangos and some potato chips she had found in a garbage bin.

**"When we talk about young girls, the result is an epigenetic process that could even be inherited by her future children, or that could lead to death during her future pregnancy."**

According to **HumVenezuela**, the percentage of food insecure people in 2023 was similar to the previous year. However, the number of extremely undernourished and malnourished people increased significantly: Those who went permanently hungry at times during the year **rose from 14.4% to 22.3%**. Additionally, 86% of the population reported not having enough money to buy the food needed in their household.

Especially worrisome to nutrition and health experts is that chronic malnutrition is surging among children, leading to stunting, wasting, delayed

come back for another round of treatment,” said Katherine Martínez, founder and director of **Prepara Familia**, an NGO that assists children and adolescents.

For Raffalli, it’s an underacknowledged issue, and one that carries hidden consequences for mothers.

“The Venezuelan government says that we face 10% chronic malnutrition, but UNICEF claims it’s more likely to be 27%,” Raffalli told The New Humanitarian. “When we talk about young girls, the result is an epigenetic process that could even be inherited by her future children, or that could lead to death during her future pregnancy.”

All this, said Martínez, is forcing humanitarian workers to redefine the assistance they bring: “It means our work has to focus on closer monitoring of families who come to us for support.”

## Where’s the international aid response?

In its **2023 yearly report**, HumVenezuela reported that 20.1 million people required humanitarian assistance and protection – 400,000 more than in 2022.

During the first half of last year, only 14% of the UN’s Humanitarian Response Plan (HRP) was funded, making it the second most underfunded globally. The level of response improved during the second half, allowing **52.9% of the HRP** to be funded.

International aid groups, such as the Pan American Health Organization, USAID, the World Food Programme, and a number of other UN agencies, among others, operate in Venezuela. But they face constant interference and **harassment** from the government.

The assistance provided isn’t nearly enough to meet the needs.

Last October, UN Secretary-General António Guterres gave the **green light** for the UN to start administering a trust fund worth an estimated \$3 billion



government and the opposition. On 17 October, the same day the authorisation to create the trust fund was made public, Maduro and the opposition signed an **agreement in Barbados**, paving the way for free elections to take place this year and prompting the US to ease **Venezuela's oil sanctions**.

But as the opposition gained strength, Maduro started disregarding the Barbados accord, the US **reinstated the sanctions**, and the trust fund has been left in limbo.

At the time of publication, only **9.5%** of Venezuela's HRP for 2024 had been funded.

## A denied healthcare crisis

The **collapse of the healthcare system** has been one of the most obvious and drastic aspects of Venezuela's humanitarian crisis.

Unprecedented **spikes in rates of maternal and child mortality** were noted as early as 2016. The following year, Maduro, who **denied the severity of the situation**, fired his health minister after she disclosed that **the number of women dying in childbirth had risen by 65%** in less than two years, while child deaths had increased by 30%.

After a decade of underfinancing that saw an exodus of medical professionals and a rapid decaying of infrastructure, the capacity of Venezuela's health services **was already estimated** to have been reduced by 70% by the time COVID-19 hit. The pandemic drove that figure to more than 80%, according to HumVenezuela.

Andrea, a nurse at the Ana Francisca Pérez de León Hospital in the Petare neighbourhood of Caracas, said the worst years were between 2015 and 2021. During that period, many doctors left and sometimes only nurses tended to the patients.



The situation at her hospital has improved a little since, with young specialists being hired, but even so only some of the operating rooms are functioning and there's still no blood bank, said Andrea, who requested her name be changed for safety reasons.

Shortages of vital medicines, hospital beds, and equipment – along with poor maintenance of decrepit infrastructure, and the closure of many services due to staffing issues – are all too common across the country.

According to the NGO Convite, medicine shortages in general **reached 28.4%** by March 2024, and in at least two of the ten hospitals visited by the organisation, there was no treatment for six of the most common problems: diabetes, infectious respiratory diseases, diarrhoea, hypertension, depression, and seizures. Today, **89.7% of the population** is dependent on a public health system they can't rely on, according to HumVenezuela.

The lack of electricity and running water also undermines health services, as do poor wages – some of **the lowest in the region**.

"The salaries are horrible. We earn the minimum wage, like everyone else now," said Andrea. "I know many nurses who take up to four jobs to be able to feed their families."

Public workers and retired Venezuelans who receive a state pension are granted an extra \$40 bonus for food from the government. Additionally, in 2017, Maduro created the **"economic war bond"** for pensioners and public workers, to counteract what he said were the effects of sanctions. He raised this bonus **from \$60 to \$90 last month**, likely in an attempt to gain popularity ahead of the election. The government also distributes subsidised food aid in what are called CLAP boxes.

But the total income still isn't nearly enough for most Venezuelans to meet the cost of living. A basic food basket costs **more than \$500**, and the minimum wage **hasn't been raised** in two years.

Maritza Moreno, president of the College of Nurses in Caroní, told The New Humanitarian that power cuts and water shortages have seriously affected

services are in failure,” she said.

In its latest **survey**, Médicos por la Salud, a network of doctors who monitor and document the health crisis, found that four in ten operating rooms nationwide no longer function. Shortages of surgical supplies were **at 74%**, and of emergency supplies at 37%. Patients undergoing simple surgery had to spend more than \$80 of their own money to buy the surgical supplies needed. Food insecurity and the lack of basic services also compound the healthcare crisis. For instance, four in ten hospitals can’t feed paediatric patients under two, while water shortages fuel the spread of bacteria and hinder water-dependent treatments such as dialysis.

## Power cuts and water shortages

Access to basic services has been highly deficient for years and shows little to no sign of improvement. Gas provision did increase a little in 2023, but access to water and power deteriorated.

Nearly **20 million people** now face severe water restrictions, and 86% of the population is exposed to water deemed **unsuitable for human consumption**, putting them at risk of diarrhoea and other diseases.

 Severe power failures

61.9%

 Households without internet service

51.5%

 Severe failures of public transportation

49.4%

 Severe domestic gas failures

36.9%

Chart: Data from November 2023 • Source: [HumVenezuela](#)**The New  
Humanitarian**

Years of **government mismanagement**, international sanctions, and the economic collapse have exacerbated the power crisis. Venezuela's grid collapsed completely in March 2019, plunging the country into a week-long **blackout**, but more than five years later Venezuelans still face daily power cuts.

In 2023, blackouts affected **nearly 62%** of the population, compared to 25.9% in 2022, bringing activities to a standstill and sometimes **putting lives at risk in hospitals**.

Liliana Rivas, a 23-year-old student in the northwestern city of Mérida, faces all these challenges. She said she is luckier now as gas trucks do sporadically reach her neighbourhood; but a few years ago she had to cook over a wood fire. She still only has running water from 5-9am and from 7-9:30pm.

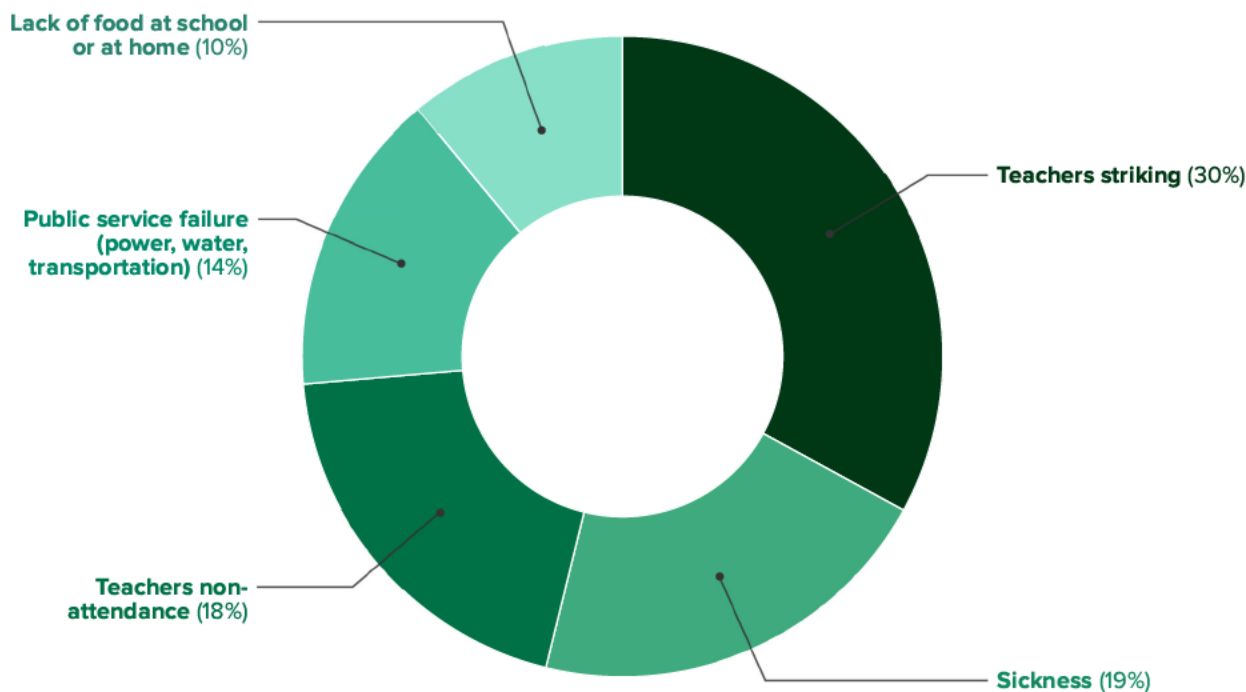
The worst part, she said, is the power cuts. In addition to studying, she works as a journalist and experiences anxiety attacks and sleep issues when she has to turn in big assignments under deadline.

"There is no schedule for [the daily power cuts]. It's unstable. Sometimes it's for four hours twice a day," she told The New Humanitarian. "It affects my work, because with eight hours out of power I can't be that productive, and

## Little schooling means bleak futures

Education has taken a big hit too. Reports show that **dilapidated infrastructure**, the lack of teachers and of public transportation – combined with **the shortcomings of the school meals programme** – are driving many students away.

### Reasons for students not to attend clases



Source: [Encuesta Nacional de Condiciones de Vida \(2023\)](#)

The New Humanitarian |

The impoverishment of families due to high inflation is also forcing children to drop out of school to work. In 2023, **40% of students** between the ages of three and 17 attended school irregularly.

Teacher shortages due to the exodus have forced public schools to give classes only two to three days a week. In 2023, nearly **two in three children**

outskirts of Caracas, told The New Humanitarian that the lessons her 12-year-old daughter gets are insufficient. She said teachers choose to work only on certain days to put pressure on the government to raise their pay. Many also have to take other jobs to make ends meet. "There are teachers who sell cakes, cookies, or things like that," she explained.

"Children may go to classes every day one week but not have any class the month after," she added. "Education is terrible."

*Edited by Daniela Mohor.*

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**Temporary Protected Status (TPS) Considerations  
Bolivarian Republic of Venezuela  
August 2024<sup>1</sup>**

**Overview**

Venezuela has been impacted by “a complex, serious and multidimensional humanitarian crisis.”<sup>2</sup> As *The Associated Press* reported in mid-July 2024, “a global drop in oil prices, government mismanagement and widespread corruption pushed the country into the political, social and economic crisis that has marked the entirety of” President Nicolás Maduro’s 11 years in power.<sup>3</sup> The crisis has reportedly disrupted “every aspect of life” in Venezuela; as *The New Humanitarian* reported in early July 2024, “Basic services like electricity, internet access, and water are patchy; malnutrition is on the rise; the healthcare system has collapsed; and children receive poor or no education. Inflation rates are also among the highest in the world.”<sup>4</sup> According to *The Associated Press*, the country’s “complex crisis” has pushed Venezuelans into “poverty, hunger, poor health, crime, desperation and migration.”<sup>5</sup> Moreover, Venezuelan President Nicolás Maduro’s declaration of victory in the July 28, 2024 presidential election—which has been contested as fraudulent by the opposition—“has been followed by yet another sweeping crackdown on dissent.”<sup>6</sup>

Venezuela has experienced the “largest exodus in Latin America’s recent history,” with over 7.7 million Venezuelans having left the country since 2014.<sup>7</sup> HumVenezuela—“an independent

<sup>1</sup> The reporting period for this report is July 1, 2023, to August 12, 2024. Two exceptions to this are the “Political Crisis” and “Political Repression & Human Rights” sections, which have a reporting period of July 1, 2023, to August 26, 2024. The reporting period for these sections was extended to account for new developments related to the July 28, 2024 presidential election and its aftermath which arose during the drafting of the report.

<sup>2</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 730, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 20, 2024).

<sup>3</sup> Regina Garcia Cano, Many couples in troubled Venezuela are breaking up as people make plans to migrate ahead of election, *The Associated Press*, Jul. 18, 2024, available at: <https://apnews.com/article/venezuela-election-maduro-economy-crisis-relationships-love-a2c6ff116ea52ea742e03ebd294dbd3> (last visited Aug. 20, 2024).

<sup>4</sup> Iván Reyes, As election looms, Venezuelans see-saw between hope and fear, *The New Humanitarian*, Jul. 8, 2024, available at: <https://www.thenewhumanitarian.org/photo-feature/2024/07/08/election-looks-venezuela-see-saw-between-hope-and-fear> (last visited Aug. 20, 2024).

<sup>5</sup> Regina Garcia Cano, As Maduro shifts from migration denier to defender, Venezuelans consider leaving if he is reelected, *The Associated Press*, updated May 29, 2024, available at: <https://apnews.com/article/venezuela-election-migrants-maduro-9ba01c2cd7246adb9369bf69941d986a> (last visited Aug. 20, 2024).

<sup>6</sup> Sergio Martínez-Beltrán and Marian Carrasquero, Venezuelans in US anxiously watch home crisis, brace for new migration surge, *Morning Edition, National Public Radio (NPR)*, Aug. 12, 2024, available at: <https://www.npr.org/2024/08/11/nx-s1-5066867/venezuela-maduro-election-migration-usborder-immigration> (last visited Aug. 12, 2024).

<sup>7</sup> Astrid Suárez, Nayara Batschke, Teresa Medrano, and, Gisela Salomon, Forced to emigrate, Venezuelans living abroad hope for change — and to eventually return home, *The Associated Press*, updated Jul. 25, 2024, available at: <https://apnews.com/article/venezuela-election-migrants-maduro-opposition-hope-f37b6b4960d50b047632e96b60225ea7> (last visited Aug. 20, 2024).



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platform of civil society organizations monitoring the humanitarian emergency”<sup>8</sup>—reported in November 2023 that 20.2 million people (out of a total estimated population of 28.8 million) had humanitarian needs.<sup>9</sup>

### Economic Crisis

Venezuela “has faced a long-running economic crisis,”<sup>10</sup> with its economy suffering from “a prolonged meltdown marked by triple-digit inflation and a mass exodus of millions of migrants seeking better prospects elsewhere.”<sup>11</sup> In early July 2024, *Reuters* noted that “Over the last 10 years, gross domestic product in Venezuela has declined by some 73%.”<sup>12</sup>

Venezuela had “an average annual growth of 4% in 2021 to 2023,” according to “an economist at the Venezuelan economic firm, Ecoanalitica.”<sup>13</sup> In late July 2024, the Spanish media outlet *El País* reported that Venezuela had “experienced some economic improvement” in 2024 following “years of financial difficulties.”<sup>14</sup> However, it also noted that, per some analysts, this improvement is “insufficient for an economy like Venezuela’s, urgently in need of double-digit growth for several years in order to return to what it once was.”<sup>15</sup> Furthermore, in a late June 2024 report—covering the period from May 2023 through April 2024—the Office of the High Commissioner for Human Rights (OHCHR) stated:

Despite official figures indicating a five per cent gross domestic product growth in 2023, economic challenges such as high inflation and devaluation of Venezuelan currency, the bolivar, persisted, and continued to restrict purchasing powers, disproportionately affecting groups and communities in vulnerable situations,

<sup>8</sup> World Report 2024 - Venezuela, Human Rights Watch, Jan. 11, 2024, available at: <https://www.hrw.org/world-report/2024/country-chapters/venezuela> (last visited Aug. 20, 2024).

<sup>9</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 6, 9, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 20, 2024).

<sup>10</sup> Mayela Armas, Venezuela’s government doubles down on inflation control ahead of election, *Reuters*, Feb. 28, 2024, available at: <https://www.reuters.com/world/americas/venezuelas-government-doubles-down-inflation-control-ahead-election-2024-02-28/> (last visited Aug. 20, 2024).

<sup>11</sup> Mayela Armas, Venezuela economy grew 5% in 2023, will reach 8% this year—Maduro, *Reuters*, Jan. 15, 2024, available at: <https://www.reuters.com/world/americas/venezuela-economy-grew-5-2023-will-reach-8-this-year-maduro-2024-01-15/> (last visited Aug. 20, 2024).

<sup>12</sup> Mariela Nava, In Venezuela, hunger stalks presidential election, *Reuters*, Jul. 9, 2024, available at: <https://www.reuters.com/world/americas/venezuela-hunger-stalks-presidential-election-2024-07-09/> (last visited Aug. 20, 2024).

<sup>13</sup> Why Venezuela is no longer in freefall, *The Indicator* from Planet Money, National Public Radio (NPR), May 8, 2024, available at: <https://www.npr.org/transcripts/1197964529> (last visited Aug. 20, 2024).

<sup>14</sup> Alonso Moleiro, Venezuela experiences an economic recovery in times of electoral uncertainty, *El País* (Spa.), Jul. 22, 2024, available at: <https://english.elpais.com/economy-and-business/2024-07-22/venezuela-experiences-an-economic-recovery-in-times-of-electoral-uncertainty.html> (last visited Aug. 20, 2024).

<sup>15</sup> Alonso Moleiro, Venezuela experiences an economic recovery in times of electoral uncertainty, *El País* (Spa.), Jul. 22, 2024, available at: <https://english.elpais.com/economy-and-business/2024-07-22/venezuela-experiences-an-economic-recovery-in-times-of-electoral-uncertainty.html> (last visited Aug. 20, 2024).



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including the urban poor, those living in rural areas, and particularly women from these populations.<sup>16</sup>

*The New Humanitarian* reported in late June 2024 that rates of inflation in Venezuela “were until recently among the highest in the world.”<sup>17</sup> Inflation was 234% in 2022, and just under 190% in 2023—both of which were amongst the highest rates of inflation in the world during those years.<sup>18</sup> In late February 2024, *Reuters* reported that “Annual inflation has not been under 100% since 2014.”<sup>19</sup> Yet, the media outlet noted in late July 2024 that the Venezuelan government “has had some success in curbing formerly sky-high inflation,” with annual inflation falling “to around 50% over the last year as the government restricted credit, held the exchange rate steady and curbed public spending.”<sup>20</sup> However, *Reuters* also reported that “current inflation reductions sometimes are not visible to the average consumer,” while “workers say their salaries have not caught up with high prices for food and other goods.”<sup>21</sup>

In late July 2024, *The Associated Press* reported that Venezuela’s monthly minimum wage of 130 bolivars had “not changed since March 2022, when it was equivalent to about \$30. Variations in currency exchange rates have now reduced it to \$3.50.”<sup>22</sup> Moreover, *BBC News* reported in late July 2024 that, “according to Caracas-based consultancy Ecoanalítica, about 65%

<sup>16</sup> Situation of human rights in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), Jun. 28, 2024, pg. 2, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/situation-human-rights-bolivarian-republic-venezuela-report-united-nations-high-commissioner-human-rights-ahrc5663-advance-unedited-version> (last visited Aug. 20, 2024).

<sup>17</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 20, 2024).

<sup>18</sup> Mayela Armas, Venezuela economy grew 5% in 2023, will reach 8% this year-Maduro, *Reuters*, Jan. 15, 2024, available at: <https://www.reuters.com/world/americas/venezuela-economy-grew-5-2023-will-reach-8-this-year-maduro-2024-01-15/> (last visited Aug. 20, 2024); Mayela Armas, Venezuela's government doubles down on inflation control ahead of election, *Reuters*, Feb. 28, 2024, available at: <https://www.reuters.com/world/americas/venezuelas-government-doubles-down-inflation-control-ahead-election-2024-02-28/> (last visited Aug. 20, 2024); Venezuela's 2023 inflation hit nearly 190%, but December prices barely ticked up, *Reuters*, Jan. 12, 2024, available at: <https://www.reuters.com/world/americas/venezuelas-2023-inflation-hit-nearly-190-december-prices-barely-ticked-up-2024-01-12/> (last visited Aug. 20, 2024).

<sup>19</sup> Mayela Armas, Venezuela's government doubles down on inflation control ahead of election, *Reuters*, Feb. 28, 2024, available at: <https://www.reuters.com/world/americas/venezuelas-government-doubles-down-inflation-control-ahead-election-2024-02-28/> (last visited Aug. 20, 2024).

<sup>20</sup> Mayela Armas, Venezuela inflation has cooled - but voters say they still can't make ends meet, *Reuters*, Jul. 23, 2024, available at: <https://www.reuters.com/world/americas/venezuela-inflation-has-cooled-voters-say-they-still-cant-make-ends-meet-2024-07-23/> (last visited Aug. 20, 2024).

<sup>21</sup> Mayela Armas, Venezuela inflation has cooled - but voters say they still can't make ends meet, *Reuters*, Jul. 23, 2024, available at: <https://www.reuters.com/world/americas/venezuela-inflation-has-cooled-voters-say-they-still-cant-make-ends-meet-2024-07-23/> (last visited Aug. 20, 2024).

<sup>22</sup> Regina Garcia Cano, Venezuelans turn to odd jobs and gambling to stretch meager wages they hope will grow after election, *The Associated Press*, updated July 24, 2024, available at: <https://apnews.com/article/venezuela-presidential-election-maduro-crisis-machado-edmundo-4c7f83a5a44a6d80f12d8cad8b67b026> (last visited Aug. 20, 2024).



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of Venezuelans earn less than \$100 a month, while only eight or nine million of the country's 28 million people can be seen as consumers with actual purchasing power."<sup>23</sup>

As *BBC News* explained in late July 2024, "an informal dollarization has taken place" in Venezuela, with U.S. dollars:

increasingly the payment method of choice in retail transactions - at least, for those who have access to them.

That has stabilised the economy - but it has brought with it a social cost.

Residents in the capital, Caracas, now find themselves subject to a two-tier economy. While US dollars are fuelling a consumption boom in high-end shops and restaurants, those paid in bolívars feel increasingly excluded.<sup>24</sup>

*The New Humanitarian* reported in late June 2024 that Venezuela's "de facto dollarisation has failed to boost the economy,"<sup>25</sup> while a *National Public Radio* (NPR) economic podcast stated in early May 2024 that "De facto dollarization is basically just a Band-Aid over the core problem of the declining currency."<sup>26</sup> In a mid-February 2024 statement, the UN Special Rapporteur on the right to food commented that "the informal dollarization of the Venezuelan economy further weakens households' purchasing power."<sup>27</sup> In addition, in September 2023, the Congressional Research Service (CRS) reported that "Income inequality has increased significantly, particularly after the government eased restrictions on access to dollars. Since that time, the income gap between those with and without access to dollars has widened sharply."<sup>28</sup>

<sup>23</sup> Robert Plummer, Venezuela's economy runs on oil - and music, *BBC News*, Jul. 28, 2024, available at: <https://www.bbc.com/news/articles/c51y9r0jgxno> (last visited Aug. 20, 2024).

<sup>24</sup> Robert Plummer, Venezuela's economy runs on oil - and music, *BBC News*, Jul. 28, 2024, available at: <https://www.bbc.com/news/articles/c51y9r0jgxno> (last visited Aug. 20, 2024).

<sup>25</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 20, 2024).

<sup>26</sup> Why Venezuela is no longer in freefall, *The Indicator* from Planet Money, *National Public Radio* (NPR), May 8, 2024, <https://www.npr.org/transcripts/1197964529> (last visited Aug. 20, 2024).

<sup>27</sup> End of Mission Statement; UN Special Rapporteur on the right to food by Mr. Michael Fakhri; Visit to Venezuela (Bolivarian Republic of), 1-14 February 2024, Office of the High Commissioner for Human Rights (OHCHR), Feb. 14, 2024, pg. 2, available at: <https://www.ecoi.net/en/file/local/2104669/20240214-eom-statement-venezuela-sr-food-en.pdf> (last visited Aug. 20, 2024).

<sup>28</sup> Clare Ribando Seelke, Venezuela: Political Crisis and U.S. Policy, *Congressional Research Service* (CRS), updated Sep. 1, 2023, pg. 1, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10230> (last visited Aug. 20, 2024).





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*The Associated Press* reported in late July 2024 that “80% of the population lives in poverty.”<sup>29</sup> The 2023 National Survey on Living Conditions (ENCOVI), published by a Venezuelan university in March 2024, found that the rate of income poverty—after declining in 2022—“remained almost intact in 2023: 82.8% of households suffer from income poverty. Of the total, 50.5% suffer from extreme income poverty.”<sup>30</sup>

### Health Crisis

*The New Humanitarian* has characterized the “collapse of the healthcare system” as “one of the most obvious and drastic aspects of Venezuela’s humanitarian crisis.”<sup>31</sup> In a November 2023 report, the European Union Agency for Asylum (EUAA) claimed that “Venezuela’s health system has been in a state of collapse for ‘years’ due to deterioration of infrastructure, lack of medical equipment, poor maintenance, lack of public services, deficiencies in the provision of medicines and medical supplies, and power and water cuts, in addition to corruption in the health sector, and underfunded and understaffed health centres.”<sup>32</sup> Amnesty International reported in October 2023 that “health indicators have worsened” in Venezuela since the “collapse of the health system in 2016.”<sup>33</sup>

In its annual report covering 2023, the Inter-American Commission on Human Rights (IACHR) stated that “millions of individuals are unable to access adequate health care” in Venezuela.<sup>34</sup> The IACHR also noted that Venezuela’s public health system had reportedly lost an estimated “70 percent of its capacity since 2016.”<sup>35</sup> When discussing Venezuela’s public health system in November 2023, HumVenezuela stated that “During a long period of defunding, destructuring and weakening, the system’s care services have been falling into a state of partial or complete

<sup>29</sup> Regina Garcia Cano, Venezuelans turn to odd jobs and gambling to stretch meager wages they hope will grow after election, *The Associated Press*, updated July 24, 2024, available at: <https://apnews.com/article/venezuela-presidential-election-maduro-crisis-machado-edmundo-4c7f83a5a44a6d80f12d8cad8b67b026> (last visited Aug. 20, 2024).

<sup>30</sup> Tony Frangie Mawad, The ENCOVI Shows a Geographically Unequal Venezuela, *Caracas Chronicles*, Mar. 13, 2024, available at: <https://www.caracaschronicles.com/2024/03/13/the-encovi-shows-a-geographically-unequal-venezuela/> (last visited Aug. 20, 2024).

<sup>31</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 21, 2024).

<sup>32</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 33, available at: [https://coi.euaa.europa.eu/administration/caso/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/caso/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Aug. 21, 2024).

<sup>33</sup> International Protection Needs of Venezuelan Nationals, Amnesty International, Oct. 2023, pg. 5, available at: <https://www.ecoi.net/en/file/local/2099475/AMR5373312023ENGLISH.pdf> (last visited Aug. 21, 2024).

<sup>34</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 731, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 21, 2024).

<sup>35</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 731, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 21, 2024).



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inoperability.”<sup>36</sup> Moreover, in 2023, nearly 70% “of the population that did use the system did not manage to obtain the necessary care or stopped using it due to the suspension or closure of services.”<sup>37</sup> HumVenezuela also reported that “In 2023, 4.2 million people with serious health problems did not receive medical care and 3.7 million did not receive medicines.”<sup>38</sup>

Venezuela faces “persistent shortages and deficiencies in the supply of medicines, supplies, equipment and medical treatments.”<sup>39</sup> *The New Humanitarian* reported in late June 2024 that “Shortages of vital medicines, hospital beds, and equipment [...] are all too common across the country.”<sup>40</sup> The media outlet further reported that:

According to the NGO Convite, medicine shortages in general reached 28.4% by March 2024, and in at least two of the ten hospitals visited by the organisation, there was no treatment for six of the most common problems: diabetes, infectious respiratory diseases, diarrhoea, hypertension, depression, and seizures. [...]

In its latest survey, Médicos por la Salud, a network of doctors who monitor and document the health crisis, found that four in ten operating rooms nationwide no longer function. Shortages of surgical supplies were at 74%, and of emergency supplies at 37%. Patients undergoing simple surgery had to spend more than \$80 of their own money to buy the surgical supplies needed. Food insecurity and the lack of basic services also compound the healthcare crisis. For instance, four in ten hospitals can’t feed paediatric patients under two, while water shortages fuel the spread of bacteria and hinder water-dependent treatments such as dialysis.<sup>41</sup>

In November 2023, HumVenezuela reported that “The information collected from health unions, complaints from users and surveyed households show that, during 2023, 81% of beds in public

<sup>36</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 37, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 20, 2024).

<sup>37</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 37, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 21, 2024).

<sup>38</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 39, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 21, 2024).

<sup>39</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 731, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 21, 2024).

<sup>40</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 21, 2024).

<sup>41</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 21, 2024).



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hospitals were not operational,” while 77.6% of public hospitals “did not have continuous electricity and water.”<sup>42</sup> In addition, “89.8% of blood banks were not operating, as well as 92.3% of laboratories.”<sup>43</sup>

In March 2024, the U.S. Department of State’s Overseas Security Advisory Council (OSAC) reported that “Patients frequently must supply their own water, medication, and medical instruments to receive care, even at private hospitals and clinics.”<sup>44</sup> According to InSight Crime, millions of Venezuelans “suffering from illnesses and chronic diseases” reportedly “seek the medications and drugs they need from the informal economy.”<sup>45</sup>

OHCHR reported in late June 2024 that “structural underfunding and understaffing” reportedly “continued to weaken” Venezuela’s health sector.<sup>46</sup> OHCHR referenced a report which indicated that, “between July and August 2023, 74.6 per cent of health centres nationwide lacked medical staff, and 73.5 per cent lacked nursing staff, thus affecting accessibility, quality and availability of healthcare.”<sup>47</sup> Furthermore, the IACHR has observed that “healthcare workers” in Venezuela “work under precarious conditions.”<sup>48</sup> In November 2023, EUAA reported that “Health workers lacked safe working conditions and living wages,” and were “subject to acts of violence, intimidation, and threats.”<sup>49</sup>

<sup>42</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 39, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 21, 2024).

<sup>43</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 39, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 21, 2024).

<sup>44</sup> Venezuela Country Security Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, last updated Mar. 26, 2024, available at: <https://www.osac.gov/Content/Report/34f99e62-2161-412d-bfeb-1e752539f6bf> (last visited Aug. 21, 2024).

<sup>45</sup> Venezuela Investigative Unit, Counterfeit Medicine Another Symptom of Venezuela’s Health Crisis, InSight Crime, Nov. 30, 2023, available at: <https://insightcrime.org/news/counterfeit-medicine-another-symptom-of-venezuelas-health-crisis/> (last visited Aug. 21, 2024).

<sup>46</sup> Situation of human rights in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), Jun. 28, 2024, pg. 2, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/situation-human-rights-bolivarian-republic-venezuela-report-united-nations-high-commissioner-human-rights-ahrc5663-advance-unedited-version> (last visited Aug. 20, 2024).

<sup>47</sup> Situation of human rights in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), Jun. 28, 2024, pg. 2, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/situation-human-rights-bolivarian-republic-venezuela-report-united-nations-high-commissioner-human-rights-ahrc5663-advance-unedited-version> (last visited Aug. 20, 2024).

<sup>48</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 731, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 21, 2024).

<sup>49</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 34, available at: [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Aug. 21, 2024).



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Per a January 2024 article published in *The Lancet Global Health*, Venezuela has witnessed the re-emergence of “Several vaccine-preventable diseases.”<sup>50</sup> CRS stated in early September 2023 that “Previously eradicated diseases such as diphtheria and measles [...] have become a major concern.”<sup>51</sup> OSAC reported in late March 2024 that “Mosquito control measures have deteriorated, and malaria cases have returned to areas that had not had cases for many years.”<sup>52</sup> In its annual report covering 2023, the IACHR alleged that “the resurgence of preventable and infectious diseases [...] was compounded by the opacity of information and the lack of transparency of the State, which has not published the annual epidemiological bulletin for more than seven years.”<sup>53</sup> However, in its late June 2024 report, OHCHR highlighted the Venezuelan government’s “efforts to address infectious diseases through sensitization programmes across the national territory and strengthening of epidemiological surveillance capacities.”<sup>54</sup> OHCHR also mentioned that the “revamping of the vaccination programme, with the support of the United Nations International Child’s Emergency Fund (UNICEF), contributed to declaring Venezuela free of measles in November 2023.”<sup>55</sup>

### Food Insecurity

CRS reported in early September 2023 that “Food insecurity remains a challenge” in Venezuela, “mainly due to the excessive dollar-denominated price of food.”<sup>56</sup> *Reuters* reported in early July 2024 that, “Despite a recent economic recovery [...], many families are going hungry and

<sup>50</sup> Jenny Garcia, Stephane Helleringer, Gerardo Correac, and Maria Di Brienzac, Updated estimates of infant mortality in Venezuela, *The Lancet Global Health*, Volume 12, Issue 1, e25 - e27, Jan. 2024, available at: [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(23\)00520-X/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(23)00520-X/fulltext) (last visited Sep. 13, 2024).

<sup>51</sup> Clare Ribando Seelke, Venezuela: Political Crisis and U.S. Policy, Congressional Research Service (CRS), updated Sep. 1, 2023, pg. 1, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10230> (last visited Aug. 21, 2024).

<sup>52</sup> Venezuela Country Security Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, last updated Mar. 26, 2024, available at: <https://www.osac.gov/Content/Report/34f99e62-2161-412d-bfeb-1e752539f6bf> (last visited Aug. 21, 2024).

<sup>53</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 731-732, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 21, 2024).

<sup>54</sup> Situation of human rights in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), Jun. 28, 2024, pg. 4, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/situation-human-rights-bolivarian-republic-venezuela-report-united-nations-high-commissioner-human-rights-ahrc5663-advance-unedited-version> (last visited Aug. 20, 2024).

<sup>55</sup> Situation of human rights in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), Jun. 28, 2024, pg. 4, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/situation-human-rights-bolivarian-republic-venezuela-report-united-nations-high-commissioner-human-rights-ahrc5663-advance-unedited-version> (last visited Aug. 20, 2024).

<sup>56</sup> Clare Ribando Seelke, Venezuela: Political Crisis and U.S. Policy, Congressional Research Service (CRS), updated Sep. 1, 2023, pg. 1, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10230> (last visited Aug. 22, 2024).





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depending on aid to feed themselves.”<sup>57</sup> The media outlet also indicated that Venezuela “suffers the second-highest level of hunger in South America,” with “Some 5.1 million people [...] not getting enough to eat.”<sup>58</sup> In a mid-February 2024 statement, the UN Special Rapporteur on the right to food reported that “Food insecurity, malnutrition and deterioration in livelihoods is cited as the primary cause for the mass migration out of the country.”<sup>59</sup>

In late July 2024, *The Associated Press* reported that “the days of food shortages” in Venezuela were “virtually gone.”<sup>60</sup> Likewise, *The New Humanitarian* reported in late June 2024 that food scarcity had decreased in Venezuela,<sup>61</sup> while HumVenezuela noted in November 2023 that “The availability of food in the country has been increasing, as domestic production and imports have been growing slightly.”<sup>62</sup>

Yet, as *The Associated Press* noted in mid-February 2024, “Supply issues have been replaced by affordability ones.”<sup>63</sup> Venezuela reportedly had amongst the highest rates of food inflation in the world during 2023.<sup>64</sup> HumVenezuela reported in November 2023 that, in recent years, the lack of “economic resources required to purchase the amounts of food that each household needs on a daily basis has been the main cause of food inaccessibility for the majority of the Venezuelan

<sup>57</sup> Mariela Nava, In Venezuela, hunger stalks presidential election, Reuters, Jul. 9, 2024, available at: <https://www.reuters.com/world/americas/venezuela-hunger-stalks-presidential-election-2024-07-09/> (last visited Aug. 22, 2024).

<sup>58</sup> Mariela Nava, In Venezuela, hunger stalks presidential election, Reuters, Jul. 9, 2024, available at: <https://www.reuters.com/world/americas/venezuela-hunger-stalks-presidential-election-2024-07-09/> (last visited Aug. 22, 2024).

<sup>59</sup> End of Mission Statement; UN Special Rapporteur on the right to food by Mr. Michael Fakhri; Visit to Venezuela (Bolivarian Republic of), 1-14 February 2024, Office of the High Commissioner for Human Rights (OHCHR), Feb. 14, 2024, pg. 3, available at: <https://www.ecoi.net/en/file/local/2104669/20240214-eom-statement-venezuela-sr-food-en.pdf> (last visited Aug. 22, 2024).

<sup>60</sup> Regina Garcia Cano, Venezuelans turn to odd jobs and gambling to stretch meager wages they hope will grow after election, *The Associated Press*, updated July 24, 2024, available at: <https://apnews.com/article/venezuela-presidential-election-maduro-crisis-machado-edmundo-4c7f83a5a44a6d80f12d8cad8b67b026> (last visited Aug. 20, 2024).

<sup>61</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 22, 2024).

<sup>62</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 27, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 22, 2024).

<sup>63</sup> Regina Garcia Cano, UN-backed food expert calls on Venezuela to tackle hunger and urges end to economic sanctions, *The Associated Press*, Feb. 14, 2024, available at: <https://apnews.com/article/venezuela-food-insecurity-hunger-malnutrition-un-maduro-afb4af4978c09cf0f3e54e1cfef981b5> (last visited Aug. 22, 2024).

<sup>64</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 28, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 22, 2024); Venezuela Annual Country Report 2023 - Country Strategic Plan 2023 - 2025, World Food Programme (WFP), Apr. 2, 2024, pg. 8, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/venezuela-annual-country-report-2023-country-strategic-plan-2023-2025> (last visited Aug. 22, 2024).





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population.”<sup>65</sup> *The Associated Press* illustrated this dynamic in a mid-February 2024 article, reporting that “The average public employee earns a minimum wage of about \$3.60 plus bonuses of around \$100 every month, while private sector workers make \$202 a month on average. Neither is enough to buy food for a family of four.”<sup>66</sup> The media outlet also reported that Venezuelans, “particularly in rural areas, must cope with gasoline rationing, roads in poor condition and other transportation challenges that limit their ability to reach markets, grocery stores and other food supplies.”<sup>67</sup>

*The New Humanitarian* reported that, in 2023, “86% of the population reported not having enough money to buy the food needed in their household,” while around 22% “went permanently hungry at times during the year.”<sup>68</sup> It also claimed that “chronic malnutrition is surging among children, leading to stunting, wasting, delayed cognitive development, and higher risks of illness more generally.”<sup>69</sup>

According to the UN Special Rapporteur on the right to food, families in Venezuela have been “forced to use negative coping mechanisms such as reducing portion sizes, skipping meals, and buying less nutritious food items.”<sup>70</sup> HumVenezuela also discussed coping mechanisms used in Venezuela in November 2023:

In 2023, 91.6% of households used survival strategies to feed themselves, most of them by reducing their budget or increasing their workload in the face of higher spending levels. 41.1% had to combine several strategies, sacrificing other expenses, exhausting their livelihoods or resorting to various forms of consumption deprivation. [...]

<sup>65</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 27, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 22, 2024).

<sup>66</sup> Regina Garcia Cano, UN-backed food expert calls on Venezuela to tackle hunger and urges end to economic sanctions, *The Associated Press*, Feb. 14, 2024, available at: <https://apnews.com/article/venezuela-food-insecurity-hunger-malnutrition-un-maduro-afb4af4978c09cf0f3e54e1cfef981b5> (last visited Aug. 22, 2024).

<sup>67</sup> Regina Garcia Cano, UN-backed food expert calls on Venezuela to tackle hunger and urges end to economic sanctions, *The Associated Press*, Feb. 14, 2024, available at: <https://apnews.com/article/venezuela-food-insecurity-hunger-malnutrition-un-maduro-afb4af4978c09cf0f3e54e1cfef981b5> (last visited Aug. 22, 2024).

<sup>68</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 22, 2024).

<sup>69</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 22, 2024).

<sup>70</sup> End of Mission Statement; UN Special Rapporteur on the right to food by Mr. Michael Fakhri; Visit to Venezuela (Bolivarian Republic of), 1-14 February 2024, Office of the High Commissioner for Human Rights (OHCHR), Feb. 14, 2024, pg. 2, available at: <https://www.ecoi.net/en/file/local/2104669/20240214-com-statement-venezuela-sr-food-en.pdf> (last visited Aug. 22, 2024).



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At more extreme levels, 13.8% of the households reported that a member worked for food, and from 10.3% to 12.3%, the proportion that received donated or donated food increased. In 9.5% of households, at least one member migrated to obtain food; in 4%, expired food was purchased; in 3.5%, several members had to eat outside the home; and in 1.5%, sex was exchanged for food.<sup>71</sup>

The Venezuelan government “distributes subsidised food aid in what are called CLAP boxes.”<sup>72</sup> Per the UN Special Rapporteur on the right to food, “Many families draw a lifeline from CLAP (Comités Locales de Abastecimiento y Producción) bags, a program devised in 2016 to address the food shortage in the formal supply chain. Initially conceived as an interim measure, it later became the strategic food distribution program.”<sup>73</sup> The UN Special Rapporteur stated in mid-February 2024 that, per the Venezuelan government, “7.5 million Venezuelan families receive a CLAP bag with basic food products at least once a month.”<sup>74</sup> However, the UN Special Rapporteur also highlighted “growing criticisms raised about the CLAP program, which include inconsistent delivery, infrequent supply in remote areas, as well as its lack of nutritional value and quality,” and commented that:

I have heard frequent concerns that CLAP bags are denied to individuals who are perceived to be critical or express alternative political opinions. Some beneficiaries suggest that CLAP bags are treated by authorities as a charitable handout rather than as part of the freedom from hunger, undermining the human dignity of those recipients. CLAP was well-intentioned as a temporary humanitarian relief by the government. But CLAP has become susceptible to political patronage and does not address the root causes of hunger and malnutrition in Venezuela or meet right-to-food standards.<sup>75</sup>

<sup>71</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 26, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 22, 2024).

<sup>72</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), The New Humanitarian, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 22, 2024).

<sup>73</sup> End of Mission Statement; UN Special Rapporteur on the right to food by Mr. Michael Fakhri; Visit to Venezuela (Bolivarian Republic of), 1-14 February 2024, Office of the High Commissioner for Human Rights (OHCHR), Feb. 14, 2024, pg. 3, available at: <https://www.ecoi.net/en/file/local/2104669/20240214-com-statement-venezuela-sr-food-en.pdf> (last visited Aug. 22, 2024).

<sup>74</sup> End of Mission Statement; UN Special Rapporteur on the right to food by Mr. Michael Fakhri; Visit to Venezuela (Bolivarian Republic of), 1-14 February 2024, Office of the High Commissioner for Human Rights (OHCHR), Feb. 14, 2024, pg. 3, available at: <https://www.ecoi.net/en/file/local/2104669/20240214-com-statement-venezuela-sr-food-en.pdf> (last visited Aug. 22, 2024).

<sup>75</sup> End of Mission Statement; UN Special Rapporteur on the right to food by Mr. Michael Fakhri; Visit to Venezuela (Bolivarian Republic of), 1-14 February 2024, Office of the High Commissioner for Human Rights (OHCHR), Feb. 14, 2024, pg. 3, available at: <https://www.ecoi.net/en/file/local/2104669/20240214-com-statement-venezuela-sr-food-en.pdf> (last visited Aug. 22, 2024).



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### Access to Basic Services (Including Electricity, Water, & Fuel)

The “breakdown in public services” represents another component of Venezuela’s crisis.<sup>76</sup> *The New Humanitarian* reported in late June 2024 that “Access to basic services has been highly deficient for years and shows little to no sign of improvement.”<sup>77</sup> *El País* has attributed the “collapse of the public service infrastructure” in the country to the “lack of maintenance and investment in modernization,” and corruption.<sup>78</sup>

In its Venezuela Humanitarian Fund (VHF) annual report for 2023, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Venezuela stated that “significant shortfalls remain in the provision of basic services, including health care, water, education, and energy.”<sup>79</sup> In mid-July 2024, *The Associated Press* reported that “Water, electricity and other public services are unreliable.”<sup>80</sup> When characterizing protests which occurred in 2023, the *Observatorio Venezolano de Conflictividad Social* (Venezuelan Observatory of Social Conflict – OVCS)—a Venezuelan non-governmental organization (NGO)—referenced the “collapse of basic services such as drinking water, domestic gas, and electricity,” as well as “complaints and demands about other services,” including “sewage treatment, solid waste collection, repair of roads and public lighting.”<sup>81</sup>

<sup>76</sup> Florantonia Singer, Caracas: The ordeal of living in a city with failed public services, *El País* (Spa.), Sep. 24, 2023, available at: <https://english.elpais.com/international/2023-09-24/caracas-the-ordeal-of-living-in-a-city-with-failed-public-services.html> (last visited Aug. 23, 2024).

<sup>77</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 23, 2024).

<sup>78</sup> Florantonia Singer, Caracas: The ordeal of living in a city with failed public services, *El País* (Spa.), Sep. 24, 2023, available at: <https://english.elpais.com/international/2023-09-24/caracas-the-ordeal-of-living-in-a-city-with-failed-public-services.html> (last visited Aug. 23, 2024).

<sup>79</sup> Venezuela Humanitarian Fund (VHF) 2023 Annual Report, United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Venezuela, Apr. 6, 2024, pg. 8, available at: <https://www.unocha.org/publications/report/venezuela-bolivarian-republic/venezuela-humanitarian-fund-annual-report-2023> (last visited Aug. 23, 2024).

<sup>80</sup> Regina Garcia Cano, Many couples in troubled Venezuela are breaking up as people make plans to migrate ahead of election, *The Associated Press*, Jul. 18, 2024, available at: <https://apnews.com/article/venezuela-election-maduro-economy-crisis-relationships-love-a2ccff116ea52ea742e03ebd294dbd3> (last visited Aug. 23, 2024).

<sup>81</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 5, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 23, 2024).



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### *Access to Electricity*

Venezuela “experiences regular power outages,”<sup>82</sup> while “interruptions in electrical service” are reportedly “common.”<sup>83</sup> *Reuters* has reported that “Venezuela’s electricity woes started in late 2009 following years of divestment and mismanagement.”<sup>84</sup> Moreover, “In 2019, Venezuela’s grid collapsed, leaving almost the entire country in the dark for four days.”<sup>85</sup> *The New Humanitarian* reported in late June 2024 that “Venezuelans still face daily power cuts.”<sup>86</sup> *Marketplace* has argued that power outages in Venezuela “are caused by electrical faults but also by a state rationing of electricity – that’s because the country simply isn’t producing enough.”<sup>87</sup>

In late September 2023, *El País* reported that electricity was one of the two public services in Venezuela “that are in the most dire state and most affect the quality of life.”<sup>88</sup> Per HumVenezuela, the country’s “electricity crisis worsened in 2023, with a constant daily power fluctuation in all states of the country. The population suffering intermittent and prolonged power failures increased from 25.9% to 61.9% between 2022 and 2023.”<sup>89</sup>

In its annual report covering 2023, the IACHR stated that “Power supply deficiencies not only had a negative impact on the quality of life of the population in general, but also caused the death of patients in several medical centers.”<sup>90</sup> Moreover, *Reuters* has reported that power outages

<sup>82</sup> Venezuela Country Security Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, last updated Mar. 26, 2024, available at: <https://www.osac.gov/Content/Report/34f99e62-2161-412d-bfeb-1e752539f6bf> (last visited Aug. 23, 2024).

<sup>83</sup> Clare Ribando Seelke, Venezuela: Political Crisis and U.S. Policy, Congressional Research Service (CRS), updated Sep. 1, 2023, pg. 1, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10230> (last visited Aug. 23, 2024).

<sup>84</sup> Venezuela experiences blackouts in capital and at least 15 states, *Reuters*, Dec. 17, 2021, available at: <https://www.reuters.com/markets/commodities/venezuela-experiences-blackouts-capital-least-15-states-2021-12-17/> (last visited Sep. 5, 2024).

<sup>85</sup> Mariela Nava, Tibisay Romero, and Vivian Sequera, Power cuts hit Venezuela’s west, cutting air conditioning during heat wave, *Reuters*, Jun. 7, 2023, available at: <https://www.reuters.com/world/americas/power-cuts-hit-venezuelas-west-cutting-air-conditioning-during-heat-wave-2023-06-07/> (last visited Aug. 23, 2024).

<sup>86</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 23, 2024).

<sup>87</sup> Catherine Ellis, Venezuela’s power blackouts are fueling a surge in migration, *Marketplace*, Jul. 24, 2024, available at: <https://www.marketplace.org/2024/07/24/venezuelas-power-blackouts-are-fueling-a-surge-in-migration/> (last visited Aug. 23, 2024).

<sup>88</sup> Florantonia Singer, Caracas: The ordeal of living in a city with failed public services, *El País* (Spa.), Sep. 24, 2023, available at: <https://english.elpais.com/international/2023-09-24/caracas-the-ordeal-of-living-in-a-city-with-failed-public-services.html> (last visited Aug. 23, 2024).

<sup>89</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 21, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 23, 2024).

<sup>90</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 732, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 23, 2024).



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“frequently hit Venezuela’s aging refineries and oil terminals, suspending the OPEC country’s crude processing and exports and causing domestic fuel scarcity.”<sup>91</sup> In 2023, the OVCS “documented 416 protests due to electricity failures,” noting that “In all states, complaints about the intermittency of electrical service are recurring,” with Venezuelans rejecting the “interruption of their activities and the deterioration of appliances, equipment, medicines, and food.”<sup>92</sup>

### *Access to Water*

*El País* reported in late September 2023 that water—along with electricity—was one of the two public services in Venezuela “that are in the most dire state and most affect the quality of life.”<sup>93</sup> In its annual report covering 2023, the IACHR stated that “the population faced growing challenges to access water and sanitation since the water supply is not continuous, and the quality of water has deteriorated.”<sup>94</sup> OSAC has reported that “potable water is frequently not available for long periods,”<sup>95</sup> with CRS similarly noting that “Many households lack reliable access to potable water.”<sup>96</sup>

Per HumVenezuela, the country’s “water crisis [...] worsened further in 2023, due to restrictions on access to water and higher levels of contamination reported by households.”<sup>97</sup> Over 69% of the population was impacted by “recurrent and prolonged access restrictions” to water in 2023.<sup>98</sup>

<sup>91</sup> Power blackout hits Venezuela's Paraguana refining center, sources say, Reuters, Mar. 14, 2024, available at: <https://www.reuters.com/world/americas/power-blackout-hits-venezuelas-paraguana-refining-center-sources-say-2024-03-14/> (last visited Aug. 23, 2024).

<sup>92</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 18, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 23, 2024).

<sup>93</sup> Florantonia Singer, Caracas: The ordeal of living in a city with failed public services, *El País* (Spa.), Sep. 24, 2023, available at: <https://english.elpais.com/international/2023-09-24/caracas-the-ordeal-of-living-in-a-city-with-failed-public-services.html> (last visited Aug. 26, 2024).

<sup>94</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 732, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 26, 2024).

<sup>95</sup> Venezuela Country Security Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, last updated Mar. 26, 2024, available at: <https://www.osac.gov/Content/Report/34f99e62-2161-412d-bfeb-1e752539f6bf> (last visited Aug. 26, 2024).

<sup>96</sup> Clare Ribando Seelke, Venezuela: Political Crisis and U.S. Policy, Congressional Research Service (CRS), updated Sep. 1, 2023, pg. 1, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10230> (last visited Aug. 26, 2024).

<sup>97</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 31, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>98</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 32, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).





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Furthermore, an estimated “86% of the population was exposed to contaminated water sources.”<sup>99</sup>

As a result of water scarcity, “86% of the population used alternative water sources in 2023.”<sup>100</sup> While most of those affected “covered supply deficiencies through the purchase of bottles and the payment of tanker trucks, [...] a significant proportion also had to use unsafe sources due to exposure to contaminants.”<sup>101</sup> The OVCS “documented 478 protests for access to drinking water nationwide” in 2023, noting that “Venezuelan families must allocate a significant part of their family budget to pay for private cistern services, or collect water from springs, improvised taps, or the product of rainfall.”<sup>102</sup>

### *Access to Fuel (Gasoline & Domestic Gas)*

Venezuela is also impacted by fuel shortages.<sup>103</sup> HumVenezuela has argued that Venezuelans “face a permanent fuel shortage crisis due to the deficit in domestic production to cover the national demand for gasoline.”<sup>104</sup> Bloomberg commented in early February 2024 that Venezuela had experienced “years of painful fuel shortages that kept drivers in line for sometimes days to fill up their cars and severely restricted Venezuela’s industrial and agricultural activity.”<sup>105</sup> In late June 2024, *The New Humanitarian* commented that:

Fuel has become scarce and hard on people’s wallets. Filling up a tank of gas at the subsidised price may be cheaper, but you need to wait hours – sometimes days – in long queues to do so. Paying international prices means spending at least \$20

<sup>99</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 31, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>100</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 33, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>101</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 31, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>102</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 18, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 26, 2024).

<sup>103</sup> Luke Taylor, ‘To be reunited ... would be a dream’: Venezuelan exiles’ fate hangs on vote, *The Guardian*, Jul. 25, 2024, available at: <https://www.theguardian.com/global-development/article/2024/jul/25/venezuelan-exiles-election-maduro> (last visited Aug. 27, 2024).

<sup>104</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 21, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>105</sup> Fabiola Zerpa and Lucia Kassai, Oil Majors Fill Venezuela Gas Pumps, Easing Years of Shortages, Bloomberg, Feb. 9, 2024, available at: [https://www.rigzone.com/news/wire/oil\\_majors\\_fill\\_venezuela\\_gas\\_pumps\\_easing\\_years\\_of\\_shortages-09-feb-2024-175693-article/](https://www.rigzone.com/news/wire/oil_majors_fill_venezuela_gas_pumps_easing_years_of_shortages-09-feb-2024-175693-article/) (last visited Sep. 6, 2024).



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when the minimum wage is less than \$4. This has also affected agricultural production and food distribution in rural areas, where it's even harder to get by.<sup>106</sup>

In its annual report covering 2023, the OVCS stated that “the crisis due to scarcity and shortages of gasoline and diesel continued, especially in the interior of the country, aggravated by the increase in subsidized fuel at international prices.”<sup>107</sup> The OVCS registered 283 protests for gasoline during the year, reporting that:

For the most part, the claims were to demand fuel supply on a regular basis, without dollarization of rates and payment of extortions. Those affected also pointed out how the fuel problem affected their day to day at work, making it difficult to travel, distribute food, products, and services, which in addition to generating delays in their functions, also translated into economic losses.

In several states, long waiting lines were observed around gas stations, as well as public complaints of alleged abuses by officials of the Bolivarian National Guard (GNB).<sup>108</sup>

Venezuela has also been impacted by the “frequent scarcity” of natural gas—“the fuel essential for cooking, generating power and feeding petrochemical plants and factories.”<sup>109</sup> HumVenezuela reported that, in 2023, 69.4% of households were impacted by failures in the availability of domestic gas service.<sup>110</sup> Furthermore, most Venezuelans without “direct gas in their homes for cooking” instead “rely on domestic gas services that households pay for by

<sup>106</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), The New Humanitarian, Jun. 25, 2024, available at:

<https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Aug. 26, 2024).

<sup>107</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 21, available at:

<https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 26, 2024).

<sup>108</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 21, available at:

<https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 26, 2024).

<sup>109</sup> Marianna Parraga, Deisy Buitrago, and Mircely Guanipa, Whoever wins election, Venezuela faces natural gas problem, Reuters, Jul. 24, 2024, available at: <https://www.reuters.com/world/americas/gas-rich-venezuela-next-president-faces-problem-producing-it-2024-07-24/> (last visited Aug. 26, 2024).

<sup>110</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 22, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).



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filling gas cylinders at state plants, one per family per month.”<sup>111</sup> However, “The capacity of each cylinder averages about 25 days and cannot always be replenished regularly.”<sup>112</sup>

In 2023, the OVCS registered “66 protests rejecting domestic gas failures,” representing a decline of 60% compared to the previous year.<sup>113</sup> Yet, the OVCS argued that this decline “cannot be taken as an indication that the authorities have addressed the claims expressed in protests and/or that the deficiency in services has been resolved, on the contrary, the common citizen continues to denounce excessive control, increases in rates, and delays in the delivery and distribution of domestic gas.”<sup>114</sup>

### Education

In May 2024, the International Commission of Jurists (ICJ) argued that the state of Venezuela’s education system “has been deteriorating for more than a decade,” and “is marked by dilapidated school infrastructure; shortages of teachers; high dropout rates for students; and poor-quality education.”<sup>115</sup> Per HumVenezuela, “irregular attendance, missed school days, dropouts and non-schooling have become recurrent and increasingly serious problems” in Venezuela.<sup>116</sup> As *The New Humanitarian* noted in late June 2024:

Reports show that dilapidated infrastructure, the lack of teachers and of public transportation – combined with the shortcomings of the school meals programme – are driving many students away.

The impoverishment of families due to high inflation is also forcing children to drop out of school to work. In 2023, 40% of students between the ages of three and 17 attended school irregularly.

<sup>111</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 22, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>112</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 22, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>113</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 19, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 26, 2024).

<sup>114</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 19, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 26, 2024).

<sup>115</sup> Hidden in broad daylight: The decline of public education in Venezuela, International Commission of Jurists (ICJ), May 2024, pg. 37, available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/hidden-broad-daylight-decline-public-education-venezuela> (last visited Sep. 3, 2024).

<sup>116</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 40, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Sep. 3, 2024).



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Teacher shortages due to the exodus have forced public schools to give classes only two to three days a week. In 2023, nearly two in three children had abandoned school or were at risk of dropping out, according to HumVenezuela.<sup>117</sup>

HumVenezuela reported in November 2023 that 73.4% of schools “do not receive continuous electricity and 80.9% do not receive water. 71.7% did not have enough desks for all students and 95.7% lacked a school transportation service.”<sup>118</sup> In addition, “79.2% of the schools had a shortage of teachers.”<sup>119</sup> According to EUAA, “Teachers and school staff [...] are reportedly ‘unable to survive on their salaries’ and are forced into other alternatives of income or abandoning their professions altogether.”<sup>120</sup> In mid-May 2024, the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO) reported that “at least 200,000 teachers left the country since 2017.”<sup>121</sup>

### Political Crisis

In February 2022, the International Crisis Group (Crisis Group) reported that Venezuela had experienced over “two decades of political tumult” amidst a “dispute between the governments of self-proclaimed socialist Hugo Chávez (1999-2013) and his successor Nicolás Maduro, on one side, and an opposition alliance on the other.”<sup>122</sup> In an August 2023 report, the Crisis Group referenced the country’s “long-running political crisis,”<sup>123</sup> remarking that:

Venezuela’s bruising political crisis is more than twenty years old. Efforts to overcome it have included several dialogue initiatives, but none has halted the slide toward economic collapse, social unrest and authoritarian rule. The government’s

<sup>117</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), The New Humanitarian, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Sep. 3, 2024).

<sup>118</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 42, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Sep. 3, 2024).

<sup>119</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 42, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Sep. 3, 2024).

<sup>120</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 17, available at: [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Sep. 3, 2024).

<sup>121</sup> Venezuela, Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO), last updated May 15, 2024, available at: [https://civil-protection-humanitarian-aid.ec.europa.eu/where/latin-america-and-caribbean/venezuela\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/where/latin-america-and-caribbean/venezuela_en) (last visited Sep. 3, 2024).

<sup>122</sup> Overcoming the Global Rift on Venezuela, Latin America Report N°93, International Crisis Group, Feb. 17, 2022, p. i, available at: <https://icg-prod.s3.amazonaws.com/093-overcoming-the-global-rift-on-venezuela.pdf> (last visited Aug. 28, 2024).

<sup>123</sup> Navigating Venezuela’s Political Deadlock: The Road to Elections, Crisis Group Latin America Report N°101, International Crisis Group, Aug. 16, 2023, p. i, available at: <https://www.crisisgroup.org/sites/default/files/2023-09/101-venezuela-political-deadlock.pdf> (last visited Aug. 28, 2024).



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brutal crackdowns on dissent have brought it the ICC<sup>124</sup> investigation. While the opposition has mainly fought via democratic means, on several occasions it has resorted to coup plots and even proposals for foreign military intervention. That, in turn, has redoubled the government's determination to cling to power.<sup>125</sup>

In November 2023, HumVenezuela argued that Venezuela's "sustained political conflict [...] has kept the country in permanent instability and caused the undermining of institutions and a structural collapse of the country's capacities."<sup>126</sup>

In early August 2024, *El País* reported that the country's political crisis was "entering uncharted territory" following the July 28, 2024 presidential election.<sup>127</sup> The election "pitted unpopular incumbent Nicolás Maduro, in power since 2013 after being anointed by late President Hugo Chávez as his successor, against a relatively unheralded opposition candidate, Edmundo González."<sup>128</sup> According to the Crisis Group, "González had established a commanding lead in pre-election opinion polls, in large part thanks to the endorsement of banned opposition leader María Corina Machado."<sup>129</sup>

In an early August 2024 publication, the Crisis Group provided an analysis of political developments leading up to the July 2024 presidential election:

Much of the controversy that swirled around the 2024 presidential campaign and election is a legacy of the domestic and international rancor that followed the previous, disputed presidential vote six years ago. [...]

[...] Although the authorities allowed the main opposition coalition, the Unitary Platform, to hold a primary election, they reaffirmed a ban on the runaway winner, Machado, holding elected office and blocked the candidacy of her chosen substitute, Corina Yoris. González, a 74-year-old retired diplomat, was the opposition's third choice, but despite being an unknown with no previous political

<sup>124</sup> Refers to the International Criminal Court.

<sup>125</sup> Navigating Venezuela's Political Deadlock: The Road to Elections, Crisis Group Latin America Report N°101, International Crisis Group, Aug. 16, 2023, p. 20, available at: <https://www.crisisgroup.org/sites/default/files/2023-09/101-venezuela-political-deadlock.pdf> (last visited Aug. 28, 2024).

<sup>126</sup> Follow-Up Report on the Complex Humanitarian Emergency in Venezuela, HumVenezuela, Nov. 2023, pg. 5, available at: <https://humvenezuela.com/wp-content/uploads/2024/02/FOLLOW-UP-REPORT-ON-THE-COMPLEX-HUMANITARIAN-EMERGENCY-IN-VENEZUELA-2023-2.pdf> (last visited Aug. 26, 2024).

<sup>127</sup> Florantonia Singer, Venezuela's political crisis enters uncharted territory, *El País* (Spa.), Aug. 5, 2024, available at: <https://english.elpais.com/international/2024-08-05/venezuelas-political-crisis-enters-uncharted-territory.html> (last visited Aug. 29, 2024).

<sup>128</sup> Phil Gunson, Venezuela: What Next after its Election Uproar?, International Crisis Group, Aug. 2, 2024, available at: <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/venezuela-what-next-after-its-election-uproar> (last visited Aug. 29, 2024).

<sup>129</sup> Phil Gunson, Venezuela: What Next after its Election Uproar?, International Crisis Group, Aug. 2, 2024, available at: <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/venezuela-what-next-after-its-election-uproar> (last visited Aug. 29, 2024).





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experience, he soon garnered massive support, touring the country with the hugely popular Machado.

Ten candidates, backed by 38 political parties, eventually appeared on the official electronic ballot, many of them thinly veiled plants by the government, which intended them as a ploy to divide and confuse opposition voters and create the appearance of a diverse and competitive election. But the campaign rapidly took a shape that was not to the government's liking – a two-horse race, in which reputable polling companies all gave González a massive lead, of up to 30 points and more, over Maduro. [...]

The government did its best to impede the opposition's rallies, banning Machado from traveling by air, cancelling public transport in the vicinity, digging up highways and setting up roadblocks ahead of them. It closed down radio stations, blocked websites and kept the opposition message largely out of the mass media. Millions of voters were disenfranchised. For the Venezuelan diaspora – estimated to number eight million migrants and refugees who have left the country over a decade of economic contraction and political tumult – arbitrary rules prevented them from registering to vote; at home, enrolment was marred by lack of information, as well as of time and opportunities to register. The National Electoral Council, dominated by a pro-government majority, failed even to adhere to its own election timetable, and overlooked or omitted a number of key steps. As in previous campaigns, the government abused its power by using state resources to bolster the Maduro campaign, while extorting contributions from private businesses and closing down those that gave any assistance to their adversary.<sup>130</sup>

On election day—Sunday, July 28—“Exit polls and quick counts organised by the opposition indicated that Maduro was headed for defeat.”<sup>131</sup> After the polls closed, both sides reportedly claimed victory, yet without the official results.<sup>132</sup> According to the Crisis Group, a little after midnight on July 29:

CNE<sup>133</sup> president Elvis Amoroso – a close ally of President Maduro – announced that, with 80 per cent of returns tallied, Maduro had obtained 51.2 per cent of the vote and that his lead of around 700,000 votes indicated an “irreversible” tendency. Machado and González then appeared before the cameras, with Machado saying,

<sup>130</sup> Phil Gunson, Venezuela: What Next after its Election Uproar?, International Crisis Group, Aug. 2, 2024, available at: <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/venezuela-what-next-after-its-election-uproar> (last visited Aug. 29, 2024).

<sup>131</sup> Phil Gunson, Venezuela: What Next after its Election Uproar?, International Crisis Group, Aug. 2, 2024, available at: <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/venezuela-what-next-after-its-election-uproar> (last visited Aug. 29, 2024).

<sup>132</sup> Phil Gunson, Venezuela: What Next after its Election Uproar?, International Crisis Group, Aug. 2, 2024, available at: <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/venezuela-what-next-after-its-election-uproar> (last visited Aug. 29, 2024).

<sup>133</sup> Refers to the National Electoral Council.



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“We won, and everyone knows it”. The commission pronounced Maduro the election winner in a Monday morning event in Caracas.<sup>134</sup>

*The Associated Press* reported in late August 2024 that the “main opposition coalition has accused Maduro of trying to steal the vote.”<sup>135</sup> The media outlet also remarked that, “Thanks to a superb ground game on election day, opposition volunteers managed to collect copies of voting tallies from 80% of the 30,000 polling booths nationwide and which show opposition candidate Edmundo González won by a more than 2-to-1 margin.”<sup>136</sup> Per *The Associated Press*, the “official tally sheets printed by each voting machine”—which are known as *actas*<sup>137</sup>—“carry a QR code that makes it easy for anyone to verify the results and are almost impossible to replicate.”<sup>138</sup> More than 23,000 tally sheets “were scanned and posted online by the opposition.”<sup>139</sup> *The Washington Post* stated in early August that its own analysis of the aforementioned tally sheets found that Edmundo González “likely received more than twice as many votes as President Nicolás Maduro”—a conclusion “which echoes the results of independent exit polling and similar independent analyses.”<sup>140</sup>

Nevertheless, on August 22, 2024, the country’s Supreme Court—which has reportedly “almost never ruled against the government”—certified “President Nicolás Maduro’s claims that he won last month’s presidential election.”<sup>141</sup> The Supreme Court also said that the voting tallies

<sup>134</sup> Phil Gunson, Venezuela: What Next after its Election Uproar?, International Crisis Group, Aug. 2, 2024, available at: <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/venezuela-what-next-after-its-election-uproar> (last visited Aug. 29, 2024).

<sup>135</sup> Venezuela’s Supreme Court certifies Maduro’s claims that he won presidential election, *The Associated Press*, updated Aug. 22, 2024, available at: <https://apnews.com/article/venezuela-election-supreme-court-certifies-maduro-39d9f3b9beb0fe96fa052e4d2a3c106b> (last visited Aug. 29, 2024).

<sup>136</sup> Venezuela’s Supreme Court certifies Maduro’s claims that he won presidential election, *The Associated Press*, updated Aug. 22, 2024, available at: <https://apnews.com/article/venezuela-election-supreme-court-certifies-maduro-39d9f3b9beb0fe96fa052e4d2a3c106b> (last visited Aug. 29, 2024).

<sup>137</sup> Samantha Schmidt, Steven Rich, Ana Vanessa Herrero, and María Luisa Paúl, Maduro lost election, tallies collected by Venezuela’s opposition show, *The Washington Post*, Aug. 4, 2024, available at: <https://www.washingtonpost.com/world/2024/08/04/maduro-gonzalez-election-actas-analysis/> (last visited Aug. 29, 2024).

<sup>138</sup> Venezuela’s Supreme Court certifies Maduro’s claims that he won presidential election, *The Associated Press*, updated Aug. 22, 2024, available at: <https://apnews.com/article/venezuela-election-supreme-court-certifies-maduro-39d9f3b9beb0fe96fa052e4d2a3c106b> (last visited Aug. 29, 2024).

<sup>139</sup> Samantha Schmidt, Steven Rich, Ana Vanessa Herrero, and María Luisa Paúl, Maduro lost election, tallies collected by Venezuela’s opposition show, *The Washington Post*, Aug. 4, 2024, available at: <https://www.washingtonpost.com/world/2024/08/04/maduro-gonzalez-election-actas-analysis/> (last visited Aug. 29, 2024).

<sup>140</sup> Samantha Schmidt, Steven Rich, Ana Vanessa Herrero, and María Luisa Paúl, Maduro lost election, tallies collected by Venezuela’s opposition show, *The Washington Post*, Aug. 4, 2024, available at: <https://www.washingtonpost.com/world/2024/08/04/maduro-gonzalez-election-actas-analysis/> (last visited Aug. 29, 2024).

<sup>141</sup> Venezuela’s Supreme Court certifies Maduro’s claims that he won presidential election, *The Associated Press*, updated Aug. 22, 2024, available at: <https://apnews.com/article/venezuela-election-supreme-court-certifies-maduro-39d9f3b9beb0fe96fa052e4d2a3c106b> (last visited Aug. 29, 2024).



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collected and published online by the opposition were “forged.”<sup>142</sup> *The Associated Press* reported that:

The high court’s ruling certifying the results contradicts the findings of experts from the United Nations and the Carter Center who were invited to observe the election and which both determined the results announced by authorities lacked credibility. Specifically, the outside experts noted that authorities didn’t release a breakdown of results by each of the 30,000 voting booths nationwide, as they have in almost every previous election.<sup>143</sup>

On August 23, 2024, the United States and ten other countries in the Americas issued a statement rejecting the Supreme Court’s decision and calling for “an ‘impartial and independent audit’ of the vote.”<sup>144</sup>

### Political Repression & Human Rights

In its annual report covering 2023, the IACHR stated that the Venezuelan state has “systematically violated human rights, including freedom of expression, to facilitate the concentration of power in the executive branch, to discourage political participation and to undermine the independence of institutions.”<sup>145</sup> Freedom House has reported that “Venezuela’s democratic institutions have been deteriorating since 1999.”<sup>146</sup> Yet, the organization also noted in its annual report covering 2023 that:

conditions have grown sharply worse in recent years due to harsher government crackdowns on the opposition and the ruling party’s use of thoroughly flawed elections to seize full control of state institutions. The authorities have closed off virtually all channels for political dissent, restricting civil liberties and prosecuting perceived opponents without regard for due process.<sup>147</sup>

<sup>142</sup> Venezuela’s Supreme Court certifies Maduro’s claims that he won presidential election, *The Associated Press*, updated Aug. 22, 2024, available at: <https://apnews.com/article/venezuela-election-supreme-court-certifies-maduro-39d9f3b9beb0fe96fa052e4d2a3c106b> (last visited Aug. 29, 2024).

<sup>143</sup> Venezuela’s Supreme Court certifies Maduro’s claims that he won presidential election, *The Associated Press*, updated Aug. 22, 2024, available at: <https://apnews.com/article/venezuela-election-supreme-court-certifies-maduro-39d9f3b9beb0fe96fa052e4d2a3c106b> (last visited Aug. 29, 2024).

<sup>144</sup> Tom Phillips, US and 10 Latin American states reject Nicolás Maduro’s vote certification, *The Guardian*, Aug. 23, 2024, available at: <https://www.theguardian.com/world/article/2024/aug/23/latin-american-states-and-us-reject-maduro-vote-certification-election-venezuela-supreme-court> (last visited Aug. 29, 2024).

<sup>145</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 720, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 30, 2024).

<sup>146</sup> Freedom in the World 2024 – Venezuela, Freedom House, Feb. 29, 2024, available at: <https://freedomhouse.org/country/venezuela/freedom-world/2024> (last visited Aug. 29, 2024).

<sup>147</sup> Freedom in the World 2024 – Venezuela, Freedom House, Feb. 29, 2024, available at: <https://freedomhouse.org/country/venezuela/freedom-world/2024> (last visited Aug. 29, 2024).



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EUAA reported in November 2023 that “the targeting and repression of political opponents, dissenters, activists, and human rights defenders, continued,” with targeting “carried out against those deemed the ‘internal enemy,’ whereby dissent or criticism of the government is often criminalized.”<sup>148</sup>

Furthermore, there have been allegations that “serious human rights violations” have been committed in Venezuela, which “may amount to crimes against humanity.”<sup>149</sup> In an October 2023 report, Amnesty International provided background on allegations of purported crimes against humanity in Venezuela, as well as investigations conducted by the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, and the International Criminal Court (ICC):

The UN independent fact-finding mission on the Bolivarian Republic of Venezuela (FFM)<sup>150</sup>, established in 2019 by the Human Rights Council, concluded in 2020 that some of the violations investigated in the context of targeted political repression, security operations and protests could amount to crimes against humanity. Amnesty International and other human rights organizations have reached the same conclusion. In 2020, the Office of the Prosecutor of the International Criminal Court (ICC) concluded that there was reasonable basis to believe that crimes against humanity, particularly in the context of detention, had been committed in Venezuela since at least April 2017 and in November 2021 the Office announced that they would proceed with investigations.

In September 2022, the FFM determined that “military and civil intelligence agencies have implemented a plan orchestrated at the highest level of the government to repress dissent through crimes against humanity”. The FFM documented acts of torture and other ill-treatment, including sexual and gender-based violence, by state officials, against real or perceived opponents of the government and their families, as well as to other individuals associated with them, including indigenous persons. They also reported killings in the context of security operations in low-income and urban neighbourhoods in various parts of the country, as well as extrajudicial killings, enforced disappearances, forced labour, sexual exploitation, and trafficking in border and remote areas.<sup>151</sup>

<sup>148</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 62, available at: [https://coi.euaa.europa.eu/administration/caso/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/caso/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Aug. 30, 2024).

<sup>149</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 720, available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Aug. 30, 2024); International Protection Needs of Venezuelan Nationals, Amnesty International, Oct. 2023, pg. 3, available at: <https://www.ecoi.net/en/file/local/2099475/AMR5373312023ENGLISH.pdf> (last visited Aug. 30, 2024).

<sup>150</sup> RAO Research’s report refers to this organization as the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela.

<sup>151</sup> International Protection Needs of Venezuelan Nationals, Amnesty International, Oct. 2023, pg. 6, available at: <https://www.ecoi.net/en/file/local/2099475/AMR5373312023ENGLISH.pdf> (last visited Aug. 30, 2024).



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In late June 2023, ICC judges “authorized the resumption of an investigation into alleged crimes against humanity in Venezuela.”<sup>152</sup> Human Rights Watch reported that, in September 2023, “the United Nations Fact-Finding Mission (FFM)<sup>153</sup> found serious human rights violations that continued the same patterns of conduct that the FFM had previously qualified as crimes against humanity.”<sup>154</sup>

According to Amnesty International, “Venezuelans have consistently protested against the deterioration of living standards and the collapse of basic services, as well as for their civil and political rights.”<sup>155</sup> Per the OVCS, there were 92,719 protests in Venezuela from 2011 through 2021,<sup>156</sup> 7,032 protests in 2022,<sup>157</sup> and 6,956 protests in 2023.<sup>158</sup> Of the protests which occurred in 2023, the OVCS concluded that 80% were for economic, social, cultural, and environmental rights, while 20% were for civil and political rights.<sup>159</sup>

EUAA reported in November 2023 that “the state’s response to demonstrations and expressions of dissent has shifted from past large-scale visible repression to forms of targeted repression, whereby authorities target specific profiles as a way to send a message and discourage further demonstrations and expressions of dissent.”<sup>160</sup> Similarly, in its annual report covering 2023, Human Rights Watch stated that “While the same patterns of abuse continue, there has been a shift from the widescale repression of protesters in the streets to a seemingly more selective repression that includes surveillance, harassment, and criminalization.”<sup>161</sup>

<sup>152</sup> World Report 2024 - Venezuela, Human Rights Watch, Jan. 11, 2024, available at: <https://www.hrw.org/world-report/2024/country-chapters/venezuela> (last visited Aug. 30, 2024).

<sup>153</sup> RAI/O Research’s report refers to this organization as the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela.

<sup>154</sup> World Report 2024 - Venezuela, Human Rights Watch, Jan. 11, 2024, available at: <https://www.hrw.org/world-report/2024/country-chapters/venezuela> (last visited Aug. 30, 2024).

<sup>155</sup> International Protection Needs of Venezuelan Nationals, Amnesty International, Oct. 2023, pg. 5, available at: <https://www.ecoi.net/en/file/local/2099475/AMR5373312023ENGLISH.pdf> (last visited Aug. 30, 2024).

<sup>156</sup> Conflictividad Social 2021 [Social Conflict 2021], Observatorio Venezolano de Conflictividad Social (OVCS), Feb. 15, 2022, pg. 3, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2022/02/INFORMEOVCS-ANUAL2021.pdf> (last visited Aug. 30, 2024).

<sup>157</sup> Conflictividad Social – Venezuela Anual 2022 [Social Conflict – Venezuela Annual 2022], Feb. 2023, Observatorio Venezolano de Conflictividad Social (OVCS), pg. 2, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2023/02/INFORMEOVCS-ANUAL2022.pdf> (last visited Aug. 30, 2024).

<sup>158</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 2, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 30, 2024).

<sup>159</sup> Conflictividad Social – Venezuela Anual 2023 [Social Conflict – Venezuela Annual 2023], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 15, 2024, pg. 3-4, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2024/02/INFORMEOVCS-ANUAL2023.pdf> (last visited Aug. 30, 2024).

<sup>160</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 15, available at: [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Aug. 30, 2024).

<sup>161</sup> World Report 2024 - Venezuela, Human Rights Watch, Jan. 11, 2024, available at: <https://www.hrw.org/world-report/2024/country-chapters/venezuela> (last visited Aug. 30, 2024).





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In a March 2024 statement, the chair of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela provided an update on repression in the country (since the publication of its last report in mid-September 2023):

In its previous report, the Mission concluded that the State's repressive structure had not been dismantled and continued to pose a latent threat that could be activated when the Government deems it necessary. The Mission reiterates that this repression works through two modalities, depending on the context. A more violent one, which aims at silencing opposing voices at any cost, including through the commission of crimes, and another that generates a climate of fear and intimidation, restricting the free exercise of fundamental rights.

Numerous events recorded during the period covered by this update confirm that we are witnessing a reactivation of the most violent form of repression by the authorities. In this regard, the Mission observes a repetition of the same patterns of human rights violations against real or perceived opponents of the Government, including human rights defenders who dare to criticize, denounce, or protest against government decisions or policies.<sup>162</sup>

In late July 2024—prior to the July 28 presidential election—Human Rights Watch alleged that Venezuela's "electoral process has been marred by human rights violations and irregularities that have kept the playing field uneven," with the Venezuelan government repeatedly committing "systematic human rights violations against critics and opposition leaders."<sup>163</sup> Amnesty International likewise "condemned the escalating repression that has marked the election period," referencing "incessant attacks on civic space, tens of arbitrary detentions, enforced disappearances, torture, reprisals against businesses and contractors providing services to opposition figures, and arbitrary and abusive administrative measures."<sup>164</sup> When discussing the "pre-electoral period," the IACHR stated in mid-August 2024 that "the regime" had "intensified authoritarian practices to obstruct political participation through a pattern of coercion aimed at demobilizing the opposition and its potential supporters."<sup>165</sup> The IACHR also reported that the

<sup>162</sup> Statement by Marta Valiñas, Chair of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 55th session of the Human Rights Council, Office of the High Commissioner for Human Rights (OHCHR), Mar. 20, 2024, available at: <https://www.ohchr.org/en/statements-and-speeches/2024/03/statement-marta-valinas-chair-independent-international-fact> (last visited Aug. 30, 2024).

<sup>163</sup> Venezuela: Repression Mars Key Upcoming Election, Human Rights Watch, Jul. 25, 2024, available at: <https://www.hrw.org/news/2024/07/25/venezuela-repression-mars-key-upcoming-election> (last visited Sep. 3, 2024).

<sup>164</sup> Venezuela: After an electoral period marked by repression, a commitment to human rights is imperative, Amnesty International, Jul. 25, 2024, available at: <https://www.amnesty.org/en/latest/news/2024/07/venezuela-after-electoral-period-marked-repression-commitment-human-rights-imperative/> (last visited Sep. 3, 2024).

<sup>165</sup> IACHR and SRFOE condemn State terrorism practices in Venezuela, Inter-American Commission on Human Rights (IACHR), Aug. 15, 2024, available at: [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2024/184.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/184.asp) (last visited Sep. 3, 2024).



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State had “intensified political persecution, harassment, and arbitrary arrests of opposition leaders, activists, and journalists” during this time period.<sup>166</sup>

On July 31, 2024, the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela reported that, since the CNE’s declaration that Maduro had won the presidential election in the early morning hours of July 29, “thousands of people—including men, women, children, and the elderly—have taken to the streets across the country to protest the results.”<sup>167</sup> The IACHR remarked on August 15 that “Serious allegations of irregularities and electoral fraud have led to at least 300 spontaneous protests throughout the country, mobilizing different social sectors, particularly inhabitants of poor areas.”<sup>168</sup> The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela “recorded 23 deaths, the vast majority caused by gunfire, between 28 July and 8 August in the context of the protests.”<sup>169</sup>

On August 10, *The New York Times* reported that Venezuelan authorities had “mounted a furious campaign against anyone challenging the declared results of the vote, unleashing a wave of repression that human rights groups say is unlike anything the country has seen in recent decades.”<sup>170</sup> The media outlet also commented that, per a representative of the Washington Office on Latin America (WOLA), the Venezuelan government “appeared to be employing a ‘pluralistic’ approach to quash dissent [...], using all the methods at its disposal, including technology, security forces, intelligence services, armed civilians and the armed forces.”<sup>171</sup> Moreover, the IACHR reported on August 15 that post-election protests:

have been harshly repressed by State forces and by armed non-State groups linked to the ruling party, known as “colectivos.” The repression has reflected patterns already observed by the IACHR in the 2014 and 2017 protests: i) arbitrary use of

<sup>166</sup> IACHR and SRFOE condemn State terrorism practices in Venezuela, Inter-American Commission on Human Rights (IACHR), Aug. 15, 2024, available at:

[https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2024/184.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/184.asp) (last visited Sep. 3, 2024).

<sup>167</sup> Venezuela: UN Fact-Finding Mission expresses alarm over human rights violations in post-election context, Office of the High Commissioner for Human Rights (OHCHR), Jul. 31, 2024, available at:

<https://www.ohchr.org/en/press-releases/2024/07/venezuela-un-fact-finding-mission-expresses-alarm-over-human-rights> (last visited Sep. 3, 2024).

<sup>168</sup> IACHR and SRFOE condemn State terrorism practices in Venezuela, Inter-American Commission on Human Rights (IACHR), Aug. 15, 2024, available at:

[https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2024/184.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/184.asp) (last visited Sep. 3, 2024).

<sup>169</sup> Venezuela Fact-Finding Mission calls for end of repression, thorough investigations, after elections, United Nations Human Rights Council, Aug. 12, 2024, available at: <https://www.ohchr.org/en/press-releases/2024/08/venezuela-fact-finding-mission-calls-end-repression-thorough-investigations> (last visited Sep. 3, 2024).

<sup>170</sup> Frances Robles, ‘Operation Knock-Knock’: Venezuela Sweeps Up Dissenters After Disputed Vote, *The New York Times*, Aug. 10, 2024, available at: <https://www.nytimes.com/2024/08/10/world/americas/venezuela-election-maduro.html> (last visited Sep. 3, 2024).

<sup>171</sup> Frances Robles, ‘Operation Knock-Knock’: Venezuela Sweeps Up Dissenters After Disputed Vote, *The New York Times*, Aug. 10, 2024, available at: <https://www.nytimes.com/2024/08/10/world/americas/venezuela-election-maduro.html> (last visited Sep. 3, 2024).



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force resulting in loss of life and injuries; ii) arbitrary detentions and forced disappearances; iii) judicial persecution and harassment against perceived opponents and electoral volunteers; iv) censorship and restrictions on freedoms of expression, association, and peaceful assembly; and v) obstacles to human rights advocacy work.<sup>172</sup>

On August 12, the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela concluded “that at least 1,260 people have been detained since 28 July” (including more than 100 children and adolescents), while data from the Venezuelan government claimed that “at least 2,200 people, indiscriminately labeled as ‘terrorists,’ have been detained.”<sup>173</sup> In regard to these detentions, it noted that:

Among those detained are leaders, members, and supporters of political parties, journalists, and human rights defenders, considered or perceived by the authorities as part of the opposition. However, the vast majority of those detained were simply individuals who voiced their rejection of the presidential election results announced by the authorities. Many of these detentions occurred after individuals participated in protests or expressed their opinions on social media, with authorities selectively targeting them at their homes.<sup>174</sup>

According to *The New York Times*, some of the detentions reportedly came after Maduro “urged his supporters to snitch on their neighbors” via VenApp—“an app that the government had originally introduced to report public nuisances,” such as “downed power lines.”<sup>175</sup>

### Crime & Insecurity

In its annual report on violence in Venezuela, the Venezuelan Violence Observatory (*Observatorio Venezolano de Violencia* – OVV)—a Venezuelan NGO—reported that “a discernible reduction in the overall levels of violence could be observed” in 2023.<sup>176</sup> In May

<sup>172</sup> IACHR and SRFOE condemn State terrorism practices in Venezuela, Inter-American Commission on Human Rights (IACHR), Aug. 15, 2024, available at:

[https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2024/184.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/184.asp) (last visited Sep. 3, 2024).

<sup>173</sup> Venezuela Fact-Finding Mission calls for end of repression, thorough investigations, after elections, United Nations Human Rights Council, Aug. 12, 2024, available at: <https://www.ohchr.org/en/press-releases/2024/08/venezuela-fact-finding-mission-calls-end-repression-thorough-investigations> (last visited Sep. 3, 2024).

<sup>174</sup> Venezuela Fact-Finding Mission calls for end of repression, thorough investigations, after elections, United Nations Human Rights Council, Aug. 12, 2024, available at: <https://www.ohchr.org/en/press-releases/2024/08/venezuela-fact-finding-mission-calls-end-repression-thorough-investigations> (last visited Sep. 3, 2024).

<sup>175</sup> Frances Robles, ‘Operation Knock-Knock’: Venezuela Sweeps Up Dissenters After Disputed Vote, *The New York Times*, Aug. 10, 2024, available at: <https://www.nytimes.com/2024/08/10/world/americas/venezuela-election-maduro.html> (last visited Sep. 3, 2024).

<sup>176</sup> Annual Report Violence 2023, Venezuelan Violence Observatory (OVV), Dec. 28, 2023, pg. 30, available at: <https://observatoriodeviolencia.org.ve/wp-content/uploads/2024/01/OVV-Violence-in-Venezuela-Annual-Report-2023-.pdf> (last visited Sep. 3, 2024).



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2024, InSight Crime likewise referenced “the apparent drop in crime in Venezuela – a country once considered the most dangerous in Latin America.”<sup>177</sup> Citing the work of the OVV, InSight Crime mentioned various factors behind the alleged decline in crime, including the country’s “ongoing economic crisis,” which has reportedly reduced “opportunities for extortion and ransom kidnappings,” and led Venezuelan criminal groups to “infiltrate Venezuelan diasporas settled in other Latin American countries.”<sup>178</sup> The “monopolization of violence in some regions” by “non-state armed groups,” as well as “pacts between the government and some criminal groups,” have also reportedly contributed to improved perceptions of security in certain areas.<sup>179</sup>

DG ECHO reported in mid-May 2024 that homicide rates in Venezuela “are among the highest in the world.”<sup>180</sup> Per InSight Crime, Venezuela had a homicide rate of 26.8 per 100,000 in 2023, while the OVV registered 6,973 violent deaths during the year—a 25% decline in violent deaths compared to 2022.<sup>181</sup> While violent deaths declined in 2023, the OVV nevertheless commented that “the number of such deaths per 100,000 people is still higher than ten, the limit at which it’s considered an epidemic.”<sup>182</sup> Similarly, when commenting on the improvements in the country’s violent death rate, Freedom House noted in its annual report covering 2023 that “Venezuela remains one of the most violent countries in the region.”<sup>183</sup>

Per EUAA, the main criminal activities which occur in Venezuela include “extortion, drug trafficking, illegal mining, kidnappings, robberies, and fuel smuggling.”<sup>184</sup> Regarding extortion, InSight Crime reported in October 2023 that:

Extortion pervades nearly all levels of Venezuelan society, sowing greater fear as it becomes more violent. The repercussions of not paying extortion are severe: grenades thrown at businesses, assassinations, forced displacement, and threats of arrest. The societal and economic costs of these extortion schemes are also profound. Locals have lost faith in security forces’ willingness and capacity to

<sup>177</sup> Venezuela Investigative Unit, Why Is Venezuela’s Crime Rate Falling?, InSight Crime, May 28, 2024, available at: <https://insightcrime.org/news/venezuela-crime-rate-falling/> (last visited Sep. 3, 2024).

<sup>178</sup> Venezuela Investigative Unit, Why Is Venezuela’s Crime Rate Falling?, InSight Crime, May 28, 2024, available at: <https://insightcrime.org/news/venezuela-crime-rate-falling/> (last visited Sep. 3, 2024).

<sup>179</sup> Venezuela Investigative Unit, Why Is Venezuela’s Crime Rate Falling?, InSight Crime, May 28, 2024, available at: <https://insightcrime.org/news/venezuela-crime-rate-falling/> (last visited Sep. 3, 2024).

<sup>180</sup> Venezuela, Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO), last updated May 15, 2024, available at: [https://civil-protection-humanitarian-aid.ec.europa.eu/where/latin-america-and-caribbean/venezuela\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/where/latin-america-and-caribbean/venezuela_en) (last visited Sep. 3, 2024).

<sup>181</sup> Juliana Manjarrés and Christopher Newton, InSight Crime’s 2023 Homicide Round-Up, InSight Crime, Feb. 21, 2024, available at: <https://insightcrime.org/news/insight-crime-2023-homicide-round-up/#venezuela-1> (last visited Sep. 3, 2024).

<sup>182</sup> Annual Report Violence 2023, Venezuelan Violence Observatory (OVV), Dec. 28, 2023, pg. 6, available at: <https://observatoriodeviolencia.org.ve/wp-content/uploads/2024/01/OVV-Violence-in-Venezuela-Annual-Report-2023-.pdf> (last visited Sep. 3, 2024).

<sup>183</sup> Freedom in the World 2024 – Venezuela, Freedom House, Feb. 29, 2024, available at: <https://freedomhouse.org/country/venezuela/freedom-world/2024> (last visited Sep. 3, 2024).

<sup>184</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 15-16, available at: [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Sep. 3, 2024).



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protect them, while economic growth is stymied by the monthly extortion costs. This fosters an environment of insecurity, prompting increased migration.<sup>185</sup>

Freedom House has reported that “Venezuelans face physical insecurity and violence from several sources, including irregular armed groups, security forces, and organized gangs.”<sup>186</sup> In November 2023, EUAA reported that various armed groups operated in the country, including:

sindicatos [...], megabandas [...], drug cartels, the National Liberation Army (ELN, Ejército Nacional de Liberación [*sic*]) from Colombia, and dissident groups of the former Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP, Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo), also known as FARC dissident groups.<sup>187</sup>

EUAA also reported that “Criminal armed groups often operate with the cooperation, or tolerance of state security forces” in Venezuela.<sup>188</sup> In late July 2024, InSight Crime argued that Venezuelan President Nicolás Maduro:

presides over a criminal hybrid state, where he relies on criminal actors in what is a symbiotic relationship. He allows certain criminal groups to operate, unmolested and even supported on Venezuelan territory, in return for these groups sharing criminal proceeds with loyal political and military actors and crushing political opposition in their areas of influence.<sup>189</sup>

Moreover, security forces in Venezuela have been “accused of committing human rights abuses such as torture and cruel, inhuman and degrading treatment, including sexual and gender-based violence, and killings consistent with extrajudicial executions.”<sup>190</sup> OSAC reported in late March 2024 that “Corruption, inadequate police training and equipment, insufficient central government

<sup>185</sup> Venezuela Investigative Unit, Venezuela Security Policy: Combating Gang and Police-Driven Extortion, InSight Crime, Oct. 18, 2023, available at: <https://insightcrime.org/news/venezuela-security-policy-combating-gang-police-driven-extortion/> (last visited Sep. 13, 2024).

<sup>186</sup> Freedom in the World 2024 – Venezuela, Freedom House, Feb. 29, 2024, available at: <https://freedomhouse.org/country/venezuela/freedom-world/2024> (last visited Sep. 3, 2024).

<sup>187</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 41, available at: [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Sep. 3, 2024).

<sup>188</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 42, available at: [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Sep. 3, 2024).

<sup>189</sup> Jeremy McDermott, Predictions for Venezuela’s Post-Election Criminal Landscape, InSight Crime, Jul. 29, 2024, available at: <https://insightcrime.org/news/predictions-criminal-landscape-after-venezuelas-election/> (last visited Sep. 3, 2024).

<sup>190</sup> Venezuela - Country Focus, European Union Agency for Asylum (EUAA), Nov. 2023, pg. 26, available at: [https://coi.euaa.europa.eu/administration/easo/PLib/2023\\_11\\_EUAA\\_COI\\_Report\\_Venezuela\\_Country\\_Focus.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2023_11_EUAA_COI_Report_Venezuela_Country_Focus.pdf) (last visited Sep. 3, 2024).





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funding, and rapidly deteriorating economic conditions dramatically reduce the effectiveness of the security forces” in the country.<sup>191</sup>

In addition, Freedom House has asserted that “Corruption is rampant in Venezuela.”<sup>192</sup>

According to OSAC, the Maduro regime “uses corruption as a mechanism to reward and control its own allies in government.”<sup>193</sup>

### Migration

Formerly a country that “welcomed Europeans fleeing war and Colombians escaping a bloody internal conflict,”<sup>194</sup> Venezuela is facing “one of the largest displacement crises in the world.”<sup>195</sup> *The New York Times* reported in-mid July 2024 that “Roughly a quarter of Venezuela’s population has already left, with almost eight million people living in other countries, according to the United Nations.”<sup>196</sup> Per the Regional Interagency Coordination Platform for Refugees and Migrants of Venezuela (R4V), there were approximately 7.77 million “Venezuelan Refugees and Migrants in the World,” and approximately 6.59 million “Venezuelan Refugees and Migrants in Latin America and the Caribbean,” as of June 3, 2024.<sup>197</sup>

*The New Humanitarian* reported in late June 2024 that “Most migrants and refugees have moved to other Latin American countries where they often live in poor conditions due to lack of opportunities and mounting xenophobia.”<sup>198</sup> In its annual report covering 2023, the IACHR noted that the challenges faced by Venezuelan nationals in host countries “have led to an increase in the mass and continuous movements of Venezuelan nationals from one country to the

<sup>191</sup> Venezuela Country Security Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, last updated Mar. 26, 2024, available at: <https://www.osac.gov/Content/Report/34f99e62-2161-412d-bfeb-1e752539f6bf> (last visited Sep. 3, 2024).

<sup>192</sup> Freedom in the World 2024 – Venezuela, Freedom House, Feb. 29, 2024, available at: <https://freedomhouse.org/country/venezuela/freedom-world/2024> (last visited Sep. 3, 2024).

<sup>193</sup> Venezuela Country Security Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, last updated Mar. 26, 2024, available at: <https://www.osac.gov/Content/Report/34f99e62-2161-412d-bfeb-1e752539f6bf> (last visited Sep. 3, 2024).

<sup>194</sup> Regina Garcia Cano, Many couples in troubled Venezuela are breaking up as people make plans to migrate ahead of election, *The Associated Press*, Jul. 18, 2024, available at: <https://apnews.com/article/venezuela-election-maduro-economy-crisis-relationships-love-a2ccff116ea52ea742e03ebd294dbd3> (last visited Sep. 4, 2024).

<sup>195</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Sep. 4, 2024).

<sup>196</sup> Julie Turkewitz, Losing Hope, Venezuelans Vow to Leave Their Country if Maduro Wins, *The New York Times*, Jul. 18, 2024, available at: <https://www.nytimes.com/2024/07/18/world/americas/venezuela-migration-election.html> (last visited Sep. 4, 2024).

<sup>197</sup> Refugees and Migrants from Venezuela, Regional Interagency Coordination Platform for Refugees and Migrants of Venezuela (R4V), last updated Jun. 3, 2024, available at: <https://www.r4v.info/en/refugeecandmigrants> (last visited Sep. 4, 2024).

<sup>198</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at: <https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Sep. 4, 2024).



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other in search of asylum or settlement.”<sup>199</sup> While these movements were “first observed at the end of 2020, they escalated in an unprecedented and multidirectional manner during 2023, and with an increasing tendency towards the north, mainly aimed at Central and North America.”<sup>200</sup> Moreover, the U.S. Agency for International Development (USAID) noted in late May 2024 that Venezuelan migrants “are departing host nations in South America, citing various factors including social discrimination and lack of economic opportunities, [...] with some choosing the dangerous northward journey through the Darién Gap.”<sup>201</sup> According to *The New Humanitarian*, “In 2023, at least 328,000 Venezuelans – more than double the previous year – took the treacherous Darién Gap route to Central America; most of them trying to reach the United States.”<sup>202</sup>

<sup>199</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 737, available at:

[https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Sep. 4, 2024).

<sup>200</sup> Annual Report 2023 - Chapter IV.B - Venezuela, Inter-American Commission on Human Rights (IACHR), Apr. 25, 2024, pg. 737, available at:

[https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_4B\\_Venezuela\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_4B_Venezuela_ENG.PDF) (last visited Sep. 4, 2024).

<sup>201</sup> Venezuela Regional Crisis - Complex Emergency, Fact Sheet #3, Fiscal Year (FY) 2024, U.S. Agency for International Development (USAID), May 31, 2024, pg. 3, available at:

[https://www.usaid.gov/sites/default/files/2024-06/2024-05-31\\_Venezuela\\_Regional\\_Crisis\\_Fact\\_Sheet\\_3.pdf](https://www.usaid.gov/sites/default/files/2024-06/2024-05-31_Venezuela_Regional_Crisis_Fact_Sheet_3.pdf) (last visited Sep. 4, 2024).

<sup>202</sup> Gabriela Mesones Rojo and Iván Reyes, Hunger, healthcare, and schools: Reasons to leave Venezuela (along with a Maduro poll win), *The New Humanitarian*, Jun. 25, 2024, available at:

<https://www.thenewhumanitarian.org/analysis/2024/06/25/hunger-healthcare-schools-reasons-leave-venezuela-maduro-poll-win> (last visited Sep. 4, 2024).

## Venezuela situation

### GLOBAL APPEAL 2024

There are over 7.7 million Venezuelan refugees and migrants worldwide, of which 84% (6.5 million) are in Latin America and the Caribbean.



Rosmary Yaure and her son Leon, lived in Málaga, Duitama, Tunja, and Paima before returning to Venezuela one year ago. Rosmary is currently participating in the hairdressing workshop that UNHCR, along with its institutional partners, offers in her community, where people who have returned to the country are involved. © UNHCR/Santiago Escobar-Jaramillo

### 2024 population planning figures

- Refugees and asylum-seekers: 892,200
- Refugee and IDP returnees: 75,000
- Other people in need of international protection\*\* (OIP): 6,430,300
- Others of concern\*\*\*: 3,111,900

\*Figures are aligned to RMRP 2023-2024 and do not include Venezuelan refugees and migrants outside Latin America and the Caribbean.

\*\* Other people in need of international protection refers to people who are outside their country or territory of origin, typically because they have been forcibly displaced across international borders, who have not been reported under other categories (asylum-seekers, refugees, people in refugee-like situations) but who likely need international protection.

\*\*\* Others of concern refer to individuals who do not fall directly into any of the groups above but to whom UNHCR has extended its protection and/or assistance services.

For the reported figures consult the dedicated page on [UNHCR operational data portal](#).

### 2024 Situation overview

**Cross-border displacement and mixed movements from the Bolivarian Republic of Venezuela continue, despite a low-level increase in spontaneous return movements.** According to the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V)\*, co-led by UNHCR and IOM, as of September 2023, there were **over 7.7**



**million Venezuelan refugees and migrants worldwide**, of which 84% (6.5 million) are in Latin America and the Caribbean. By mid-2023, there were **over 300,000 recognized refugees, and almost 1.2 million asylum-seekers**. UNHCR is planning to respond to 6.5 million Venezuelan migrants and refugees in the region in 2024.

Pendular movements along border areas are expected to continue as Venezuelans seek to address basic needs temporarily in neighbouring countries. However, a lack of viable options in some hosting countries drives many to move onward in search of a more stable future. Movements of refugees and migrants between host countries, including northbound movements, have significantly increased, and are expected to continue as Venezuelans and other affected nationals with heightened vulnerabilities seek sustainable protection and integration solutions. In the first nine months of 2023, **over 400,000 people (63% of them Venezuelans) moved north through Panama's Darien jungle**, an almost threefold increase compared to the same period in 2022.

In the context of dynamic population trends (outflows, returns, deportations, cross-border pendular and onward movements), UNHCR will work across the region to support Venezuelan refugees and migrants, focusing on protection, socioeconomic integration, and multisectoral assistance, including education, health, shelter and water, sanitation and hygiene.



*Douglas Rojas (15) with his father Luis David returned to Venezuela from Bogota in 2021, and they later moved to Peru before deciding to return to Venezuela in 2023. Currently, Douglas is participating in training for motorcycle repair, as his father has a motorcycle repair shop. © UNHCR/Santiago Escobar-Jaramillo*

UNHCR will also provide overall operational coordination, planning, communication and information management services for the entire response. **Inside Venezuela, UNHCR will support all population groups with humanitarian needs** – refugees, asylum-seekers, internally displaced people, people at risk of displacement, returnees and deportees with protection needs – as well as communities in prioritized locations to build resilience.

According to the Refugee and Migrant Needs Analysis (RMNA) for 2023, **more than 4.4 million Venezuelans still face difficulties accessing food, shelter, healthcare, education and formal employment**, despite efforts by host countries to regularize and integrate them. In the case of Colombia, for example, more than 1.6 million Venezuelans have already been documented and more than 2 million biometrically registered.

According to the RMNA, 19% of refugee and migrant children are out of school, and more than 36% are without a regular status in their respective host countries. Based on available data in eight countries, **employment levels of economically active refugees and migrants in countries of destination ranged from 97% in Peru to 61-62% in Costa Rica and Panama**.

**36% of Venezuelans in the region are still in an irregular situation, and 3 million may stand to benefit if regularization is supported and carried out effectively** in countries such as Brazil, the Dominican Republic, Ecuador and Peru, as well as Colombia. It will be essential to monitor – and support where necessary – access to regularization exercises themselves, as well as effective access to rights, services and inclusion. Resettlement and complementary pathways will feature as increasingly important solutions for protection and or responsibility-sharing. Parallel to efforts for ensuring regular status and documentation, UNHCR will work in close cooperation with local governments and other key stakeholders such as

development and financial actors and the private sector to enable the socioeconomic inclusion of asylum-seekers and refugees. UNHCR will prioritize emergency humanitarian assistance and protection services for new arrivals, population groups at heightened risk, and those considering returns, especially through collaboration with civil society.

Synergies between the Regional Refugee and Migrant Response Plan (RMRP) and Humanitarian Response Plan will be reinforced in 2024, focusing on activities implemented in border areas, reception and reintegration of returnees, the issuance of personal documentation, and support to national and regional campaigns against discrimination and xenophobia. According to the RMRP, **the R4V response aims to assist 2.4 million refugees and migrants in destination, 415,000 refugees and migrants in transit, 284,000 refugees and migrants engaging in pendular movements, 122,000 Colombian returnees and 365,000 members of affected host communities.** The RMRP will be updated, with revised population projections, on 6 December 2023.

*\* Population projections for end-2024 will be updated by the R4V Platform in the context of RMRP Update on 6 December 2023.*

For the most recent stories, press releases and briefing notes, please visit the Emergency page on [unhcr.org](https://unhcr.org) dedicated to Venezuela.



0805, may be submitted to FDA using Forms FDA 3913 and FDA 3914, respectively.

Patent infringement notifications are also included in the scope of collection activity. Section 351(l) of the PHS Act provides for the exchange of patent information and resolution of patent disputes between a 351(k) biosimilar applicant and the holder of the 351(a) BLA reference product. If a biosimilar applicant is served with a complaint in an action for a patent infringement described in section 351(l)(6) of the PHS Act, the biosimilar applicant is required to provide the Secretary of HHS with notice and a copy of the complaint within 30 days of service. FDA is required to publish notice of a complaint received under section 351(l)(6)(C) of the PHS Act in the **Federal Register**.

Relevant information regarding applicable statutory requirements is discussed in topical guidance documents, issued consistent with our BsUFA Commitment Letter and Agency Good Guidance Practice regulations in 21 CFR 10.115, which provide for public comment at any time. The following draft and final guidance documents include instructional and procedural information on communicating with FDA regarding the BsUFA program:

- “Assessing User Fees Under the Biosimilar User Fee Amendments of 2022” (July 2023), available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/assessing-user-fees-under-biosimilar-user-fee-amendments-2022>. The guidance document instructs respondents on requesting discontinuation from the BPD program, as well as requesting to move products to the discontinued section of the biosimilar list. The guidance document also provides information on the consequences of failing to pay BsUFA III fees as well as processes for submitting reconsideration and appeal requests.

- “Formal Meetings Between the FDA and Sponsors or Applicants of BsUFA Products” (August 2023), available at: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/formal-meetings-between-fda-and-sponsors-or-applicants-bsufa-products-guidance-industry>. The guidance document explains standardized procedures for requesting, preparing, scheduling, conducting, and documenting formal meetings with FDA, and discusses good meeting management practices.

- As listed on our Center for Drug Evaluation and Research 2023 and 2024 Annual Guidance agenda (available at: <https://www.fda.gov/media/134778/>

download), we are planning to issue a draft guidance for industry entitled “Pediatric Study Plans for Biosimilar Products,” to help implement provisions of the Pediatric Research Equity Act, codified in section 505B of the FD&C Act (21 U.S.C. 355c). For more information regarding FDA guidance documents, including ways to participate, please visit <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>.

**Description of Respondents:** Sponsors and applicants who have or intend to submit an application for a biosimilar product for licensure under section 351(k) of the PHS Act or who intend to submit an initial pediatric study plan (iPSP) as described in section 505B(e) of the FD&C Act for those products intended to be licensed under section 351(k) of the PHS Act and being developed as a proposed biosimilar to a reference product.

In the **Federal Register** of September 23, 2024 (89 FR 77531), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

FDA form; survey	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Biosimilar User Fee Cover Sheet (Form FDA 3792) .....	30	2	60	0.5 (30 minutes).....	30
Request for discontinuation from BPD program or to move products to discontinued section of Biosimilar List.	6	1	6	1 .....	6
Biosimilar product & interchangeable product applications (351(k)); patent infringement notifications (351(l)).	16	1.94	31	610.90 .....	18,938
Formal meeting requests as recommended in FDA guidance .....	135	2.30	311	21.42 .....	6,661
Submission of Pediatric Assessment; iPSP template information, including deferrals of pediatric assessments for proposed biosimilar products; iPSP amendments as recommended in FDA guidance.	11	1	11	38.18 .....	420
<b>Total</b> .....			419		26,055

Our estimated burden for the information collection reflects an overall increase of 13,069 hours and 105 responses annually. Although part of the increase may be attributed to the inclusion of burden associated with the submission of pediatric study plans, the majority of adjustments correspond with an increase in submissions we are receiving.

Dated: January 28, 2025.

**P. Ritu Nalubola,**

*Associate Commissioner for Policy.*

[FR Doc. 2025–02153 Filed 1–30–25; 11:15 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[CIS No. 2803–25]

### Vacatur of 2025 Temporary Protected Status Decision for Venezuela

**AGENCY:** U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

**ACTION:** Notice of Temporary Protected Status (TPS) vacatur.

**SUMMARY:** Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) has decided to vacate the January 10, 2025, decision of former Secretary of Homeland Security Alejandro Mayorkas regarding TPS for Venezuela. Former Secretary Mayorkas extended the 2023 designation of Venezuela for TPS for 18 months, allowed a consolidation of filing processes such that all eligible Venezuela TPS beneficiaries (whether under the 2021 or 2023 designations) may obtain TPS through the same extension date of October 2, 2026, and extended certain Employment Authorization Documents (EADs). All of this also had the effect of extending the 2021 designation. This notice vacates Mayorkas' notice immediately.

**DATES:** The vacatur is effective immediately.

**FOR FURTHER INFORMATION CONTACT:** Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 800–375–5283.

**SUPPLEMENTARY INFORMATION:**

**I. Temporary Protected Status (TPS) Generally**

The Immigration and Nationality Act (INA) authorizes the Secretary, after consultation with appropriate U.S. Government agencies, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist. INA 244(b)(1), 8 U.S.C. 1254a(b)(1).<sup>1</sup> The determination whether to designate any foreign state (or part thereof) for TPS is discretionary, and there is no judicial review of “any determination of the

[Secretary] with respect to the designation, or termination or extension of a designation, of a foreign state” for TPS. INA 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A). The Secretary, in the Secretary's discretion, may then grant TPS to eligible nationals of that foreign state (or individual aliens having no nationality who last habitually resided in the designated foreign state). See INA 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. See INA 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the conditions in the foreign state continue to meet the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. See INA 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See INA 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

**II. Background**

On March 9, 2021, Secretary Mayorkas designated Venezuela for TPS on the basis of extraordinary and temporary conditions in Venezuela that prevented nationals of Venezuela from returning in safety (2021 designation). See *Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure*, 86 FR 13574 (Mar. 9, 2021).

On September 8, 2022, DHS extended the Venezuela 2021 TPS designation for 18 months. See *Extension of the Designation of Venezuela for Temporary Protected Status*, 87 FR 55024 (Sept. 8, 2022). On October 3, 2023, DHS extended the Venezuela 2021 TPS designation for another 18 months with an expiration date of September 10, 2025, and separately newly designated Venezuela, which then Secretary Mayorkas called a “redesignation,” for 18 months (the Venezuela 2023 designation) with an expiration of April 2, 2025, resulting in two separate and concurrent Venezuela TPS designations. See *Extension and Redesignation of Venezuela for Temporary Protected Status*, 88 FR 68130 (Oct. 3, 2023).

The Venezuela 2023 TPS designation expires on April 2, 2025, and the Secretary must make a decision by February 1, 2025. The Venezuela 2021 TPS designation expires on September 10, 2025, and the Secretary must make a decision by July 12, 2025. Notwithstanding the fact that these are both decisions that would lie with new Secretary of Homeland Security Kristi Noem, Secretary Mayorkas took action with respect to both designations.

On January 17, 2025, Secretary Mayorkas issued a notice extending the 2023 designation of Venezuela for TPS for 18 months (Mayorkas Notice). The notice was based on Secretary Mayorkas' January 10, 2025, determination that the conditions for the designation continued to be met. See INA 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). In the Mayorkas Notice, Secretary Mayorkas did not expressly extend or terminate the 2021 designation. Instead, the notice allowed for a consolidation of filing processes such that all eligible Venezuela TPS beneficiaries (whether under the 2021 or 2023 designations) could obtain TPS through the same extension date of October 2, 2026. See *Extension of the 2023 Designation of Venezuela for Temporary Protected Status*, 90 FR 5961 (Jan. 17, 2025). The notice also extended certain EADs. The effect of Secretary Mayorkas' actions, however, resulted in an extension of the 2021 Venezuela TPS designation.

**III. Vacatur of the 2025 Decision**

The Secretary of Homeland Security is vacating the January 10, 2025 decision of Secretary Mayorkas which (1) extended the 2023 Venezuela TPS designation and (2) allowed the consolidation of filing processes for both designations, which had the effect of extending the 2021 Venezuela TPS designation, and (3) extended certain EADs. An agency has inherent (that is, statutorily implicit) authority to revisit its prior decisions unless Congress has expressly limited that authority. The TPS statute does not limit the Secretary's inherent authority under the INA to reconsider any TPS-related determination, and upon reconsideration, to vacate or amend the determination.<sup>2</sup>

<sup>2</sup> See INA 103(a), 244(b)(3), (b)(5)(A); 8 U.S.C. 1103(a), 1254a(b)(3), (b)(5)(A); *Reconsideration and Rescission of Termination of the Designation of El Salvador for Temporary Protected Status; Extension of the Temporary Protected Status Designation for El Salvador*, 88 FR 40282, 40285 (June 21, 2023) (“An agency has inherent (that is, statutorily implicit) authority to revisit its prior decisions unless Congress has expressly limited that authority. The TPS statute does not limit the Secretary's inherent authority to reconsider any

<sup>1</sup> Although section 244(b)(1) of the INA continues to refer to the Attorney General, this authority now resides with the Secretary of Homeland Security by operation of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, as amended. See, e.g., 6 U.S.C. 557; 8 U.S.C. 1103(a)(1). The Secretary may designate a country (or part of a country) for TPS on the basis of (1) an ongoing armed conflict such that returning would pose a serious threat to the personal safety of the country's nationals, (2) an environmental disaster (including an epidemic), or (3) extraordinary and temporary conditions in the country that prevent the safe return of the country's nationals. For environmental disaster-based designations, certain other statutory requirements must be met, including that the foreign government must officially request a TPS designation. A designation based on extraordinary and temporary conditions cannot be made if the Secretary finds that allowing the country's nationals to remain temporarily in the United States is contrary to the U.S. national interest. INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).



### A. Reason for the Vacatur

The Mayorkas Notice adopted a novel approach of implicitly negating the 2021 Venezuela TPS designation by effectively subsuming it within the 2023 Venezuela TPS designation. As described above, Secretary Mayorkas explicitly made a determination to extend the 2023 designation. While he did not make an explicit determination to extend the 2021 designation, he did allow consolidated filing processes for both the 2021 and 2023 designations, which in effect extended the 2021 designation by up to 13 months. Furthermore, he allowed extensions for certain EADs.

The Mayorkas Notice states that *Existing TPS beneficiaries, including those registered under the October 3, 2023 TPS designation or the prior March 9, 2021 TPS designation, who wish to extend their status through October 2, 2026, must re-register during the re-registration period described in the January 2025 decision.* This, and other language in the Mayorkas Notice, indicate that the practical effect of Secretary Mayorkas' decision was to combine both designations and to provide an extension until October 2, 2026, for the population of *both* designations.

The Mayorkas Notice did not acknowledge the novelty of its approach or explain how it is consistent with the TPS statute. *See* INA 244(b)(2)(B), 8 U.S.C. 1254a(b)(2)(B) (providing that a TPS country designation "shall remain in effect until the effective date of the termination of the designation under [INA 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B)]"). This novel approach has included multiple notices, overlapping populations, overlapping dates, and sometimes multiple actions happening in a single document. While the Mayorkas Notice may have made

attempts to address these overlapping populations, the explanations in the Mayorkas Notice, particularly the explanation for operational impacts, are thin and inadequately developed. Given these deficiencies and lack of clarity, vacatur is warranted to untangle the confusion, and provide an opportunity for informed determinations regarding the TPS designations and clear guidance.<sup>3</sup>

Given the exceedingly brief period in which the January 17, 2025 extension notice has been in effect and the fact that the effect of this vacatur will restore the status quo preceding that notice, any putative reliance interests on the extension notice are negligible. Venezuela 2023 registrants will retain their temporary protected status under the pre-existing designation at least until April 2, 2025. With respect to any Venezuela 2021 registrants who elected, pursuant to the Mayorkas Notice, to register under the Venezuela 2023 designation, USCIS will restore their Venezuela 2021 registration. And, in any event, any putative reliance interests arguably engendered by the Mayorkas Notice are outweighed by the overriding interests and concerns articulated in this notice.

### B. Effect of the Vacatur

As a result of the vacatur, the 2021 Venezuela TPS designation and the 2023 Venezuela designation remain in effect and their associated statutory deadlines remain in effect. The statutory deadline<sup>4</sup> for each of those designations is as follows: The Secretary (1) must determine, by February 1, 2025, whether to extend or terminate the 2023 Venezuela TPS designation and (2) must determine, by July 12, 2025, whether to extend or terminate the 2021 Venezuela TPS designation.

If the Secretary does not make a timely determination (for example, if the Secretary were *not* to make determination by February 1, 2025 whether to extend or terminate the 2023 Venezuela TPS designation), then the statute provides for an automatic extension of the designation for an

additional period of 6 months. INA 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

Pursuant to this vacatur, USCIS will no longer accept Venezuela TPS re-registration applications (Form I-821) and associated Applications for Employment Authorization (Form I-765) filed under the Mayorkas Notice. For TPS beneficiaries who have already filed applications to re-register for TPS pursuant to the Mayorkas Notice and paid any fees associated with their applications, USCIS will cease processing their applications, and issue refunds of any fees paid by those aliens.<sup>5</sup> Additionally, USCIS will invalidate EADs; Forms I-797, Notice of Action (Approval Notice); and Forms I-94, Arrival/Departure Record (collectively known as TPS-related documentation) that have been issued with October 2, 2026 expiration dates under the Mayorkas Notice. USCIS will provide refunds to any fees paid by these aliens as well.

Additionally, pursuant to this vacatur the automatic EAD extensions provided in the Mayorkas Notice are hereby rescinded. USCIS will provide additional guidance regarding the two Venezuela TPS designations on a future date in accordance with applicable laws.

### IV. Notice of Vacatur of Secretary Mayorkas' 2025 Decision

By the authority vested in me as Secretary under section 244 of the Immigration and Nationality Act, 8 U.S.C. 1254a, I am vacating the decisions announced in the January 17, 2025 notice titled *Extension of the 2023 Designation of Venezuela for TPS*. In doing so, I am vacating the (1) extension of the Venezuela 2023 TPS designation, (2) the consolidation of filing processes for both designations, which, in effect, resulted in the extension of the 2021 TPS designation, and (3) the EADs that were extended. As a result, the Venezuela 2023 TPS designation and the Venezuela 2021 TPS designation remain in effect and their associated statutory deadlines remain in effect.

**Kristi Noem,**

*Secretary, U.S. Department of Homeland Security.*

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TPS-related determination, and upon reconsideration, to change the determination."); *see also, e.g., Ivy Sports Medicine, LLC v. Burwell*, 767 F.3d 81, 86 (D.C. Cir. 2014) (Kavanaugh, J.) ("[A]dministrative agencies are assumed to possess at least some inherent authority to revisit their prior decisions, at least if done in a timely fashion. . . . "[I]nherent authority for timely administrative reconsideration is premised on the notion that the power to reconsider is inherent in the power to decide." (quotation marks and citations omitted)); *Macktal v. Chao*, 286 F.3d 822, 825-26 (5th Cir. 2002) ("It is generally accepted that in the absence of a specific statutory limitation, an administrative agency has the inherent authority to reconsider its decisions.") (collecting cases); *Mazaleski v. Treusdell*, 562 F.2d 701, 720 (D.C. Cir. 1977) ("We have many times held that an agency has the inherent power to reconsider and change a decision if it does so within a reasonable period of time."); *cf. Last Best Beef, LLC v. Dudas*, 506 F.3d 333, 340 (4th Cir. 2007) (collecting cases especially "broad authority to correct their prior errors").

<sup>3</sup> *See* Exec. Order, *Protecting the American People Against Invasion*, sec. 16(b) (Jan. 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

<sup>4</sup> If there is an existing TPS designation for a foreign state, the Secretary must review country conditions in consultation with appropriate U.S. Government agencies and make a determination—at least 60 days before the designation is set to expire—whether to extend or terminate that country's TPS designation (*i.e.*, whether the conditions for the designation continue to be met). INA 244(b)(3), 8 U.S.C. 1254a(b)(3).

<sup>5</sup> As noted above, any Venezuela 2021 registrants who elected, pursuant to the Mayorkas Notice, to register under the Venezuela 2023 designation will have their Venezuela 2021 registration restored.

ANNUAL REPORT

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# VIOLENCE

# 2023

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VENEZUELAN OBSERVATORY OF VIOLENCE  
SOCIAL SCIENCES LABORATORY



**LACSO**

CARACAS, LACSO, 2023



- 1- By the end of the year 2023, there were 6,973 cases of violent deaths reported. Out of these, 1,956 were homicides committed by criminals, 953 were deaths resulting from police intervention actions, and 4,064 deaths were classified as violent, the cause and intentionality of which are still under investigation.
- 2- The figures indicate a shift in the recent trend, as there was a 25% decrease in violent deaths when compared to the years 2021 and 2022. The total number of violent deaths in those years was 9,447 and 9,367, respectively, which were very similar to each other. These figures showed stagnation without any reduction or increase in relation to violent deaths in the previous two years.
- 3- After converting the raw count of violent deaths that occurred in the year 2023 into rates and adjusting it with the estimated population count of 26 million inhabitants, we have obtained a rate of 26.8 deaths per hundred thousand individuals. This signifies a noteworthy decrease of 8.5 points in comparison to the rates reported for the years 2021 and 2022, which were recorded as 34.9 and 35.3 deaths per hundred thousand inhabitants, respectively.
- 4- The decrease was uneven in the three categories of violent deaths. Homicides experienced the smallest reduction with 15.9%, registering 372 fewer victims. Deaths due to police intervention fell by 23.1%, with a decrease of 287 deaths. Deaths under investigation showed the greatest decline, with a decrease of 1,735 registered cases, representing a decrease of 29.9% compared to 2022.
- 5- Although the absolute numbers presented a reduction as a whole, the internal composition of the causes of violent deaths remained quite similar to those observed in 2022. Deaths occurring due to police intervention accounted for 13.7% of total violent deaths, very similar to the 13.2% in 2022. The participation deaths under investigation decreased by 3.7%, falling from 61.9% in 2022 to 58.3% in 2023. And homicide victims increased by 3.2 percentage points as their share grew from 24.9% last year to 28.1% this year.
- 6- The sum of homicides and deaths due to police intervention total 2,909 victims, while deaths whose cause of violent death is under investigation totaled 4,064 cases, which means that deaths that are in that black box called "under investigation" represent more than two quarters -58.3%- of violent deaths in the country. This is an extremely high figure, especially if one takes into consideration the agreements on international standards in this matter, such as the Bogotá Protocol of 2015, where it was established that deaths due to undetermined causes should not exceed 10% of those killed in homicides due to police interventions. That 10% in Venezuela during the year 2023 would be 290 cases, while the estimated number was 4,064 victims, which is 14 times higher than the limit established as acceptable for this category of violent deaths at the international level.
- 7- In the year 2023 there was an average of 581 deaths per month, 134 per week and 19 per day.
- 8- Police-involved deaths averaged 79 per month, 18 per week, and 3 per day of the year.





- 9- Two-thirds (66%) of homicide victims were between 15 and 44 years of age.
- 10- According to available information, the age group with the highest participation as victims of homicides is between 15 and 29 years of age, where 37% of the deaths were concentrated.
- 11- The occurrence of violent events was distributed fairly homogeneously during all months of the year with an average of around 600 violent events per month.. A slight increase could be observed during the month of March 2023, but overall, it can be said that there is a regularization and stabilization of violent events, typical of this new phase of chronic violence in the country.
- 12- The occurrence of victimization among citizens with no police record and those who did have a police record shows a significant and inverted difference when it comes to typical homicides or deaths due to police intervention. In homicide deaths, 71% of the victims had no police record, while among those who died in police interventions, 64% did have a police record.
- 13- The number of missing persons continues to be high, with an estimated total of 1,443 persons in 2023, which represents a rate of 5.5 missing persons per hundred thousand inhabitants. We do not include these cases among violent deaths, as the absence of a body does not allow us to state conclusively whether the missing person is alive or dead. However, this category represents an unknown about the real magnitude of violent deaths that, with the bit of information available, is impossible to clarify.





## VIOLENCE AT THE TERRITORIAL LEVEL OF THE FEDERAL ENTITIES

- 14- In the year 2023, two federal entities had a violent death rate higher than 40 deaths per one hundred thousand inhabitants: the Capital District with 50.8 and the state of Miranda with 41 victims per hundred thousand inhabitants.
- 15- The five most violent entities in the country in 2023 were the Capital District (50.8), Miranda (41), Bolivar (38.5), La Guaira (36.4) and Amazonas (33.4).
- 16- A total of eight federal entities had a rate of violent deaths higher than the national average of 26.8, in addition to the five mentioned above are Yaracuy (27.5), Delta Amacuro (27.4), and Aragua (27.2).
- 17- Three federal entities had a rate similar to the national average: Guárico (26), Falcón (25.5), and Carabobo (25.3).
- 18- Out of the 24 states in the country, 19 of them have reported a decrease in the number of violent deaths in comparison to the previous year. The number of violent deaths in three states remained the same, namely Amazonas, Falcón, and Sucre. However, two states experienced an increase in violent deaths: Cojedes and Lara.
- 19- The five entities with the lowest rate were Mérida (17.9); Apure (15.1); Portuguesa (914.9), Nueva Esparta (14) and Táchira, which had the lowest rate with 11.3 violent deaths per 100,000 inhabitants.
- 20- It's worth noting that even though violent deaths have gone down, the number of such deaths per 100,000 people is still higher than ten, the limit at which it's considered an epidemic.





